Supreme Court, U.S.
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120 (1) No. _____

IN THE

Supreme Court of the United States

In re EILEEN CHU HING,
Petitioner

v.

GLENN F. HING,
Respondent.

On Petition For An Extraordinary Writ of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit

PETITION FOR AN EXTRAORDINARY WRIT OF CERTIORARI

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QUESTION PRESENTED

This is a most bizarre case that demands the attention of the Supreme Court of the United States. The actions of the lower court perpetuate domestic violence in the United States. Were there civil rights violations in the lower court proceedings involving the Fair Housing Act, conspiracy to commit fraud, breach of trust, fraud of rights, due process, and color of law?

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PETITION FOR AN EXTRAORDINARY WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Eileen Chu Hing, pro se, petitions for an extraordinary writ of certiorari to review the judgments of the lower court proceedings in the First Judicial District of Pennsylvania Court of Common Pleas of Philadelphia County following denial of appeal by the United States Court of Appeals For The Fourth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals For The Fourth Circuit is unpublished and is reprinted in the Appendix. See App. A 1-3.

The opinion of the First Judicial District of Pennsylvania Court of Common Pleas of Philadelphia County is reprinted in the Appendix. See App. C 87-97.

JURISDICTION

The date on which the United States Court of Appeals For The Fourth Circuit decided my case was January 21, 2009. A copy of that decision appears in the Appendix at App. A 4.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

The date on which the United States District Court Eastern District of North Carolina Western Division decided my case was October 23, 2008. A copy of that decision appears in the Appendix at App. B-5.
The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

The date on which the First Judicial District of Pennsylvania Court of Common Pleas of Philadelphia County decided my case was November 1, 2007. A copy of that decision appears in the Appendix at App. C 116.
The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

In addition as this court is the court of last resort for a fair trial (for petition for an extraordinary writ), the jurisdiction of this Court is invoked under 28 U.S.C. §1651(a).

28 U.S.C. §2403(a) may apply, certified to the Attorney General, regarding the proceedings of the lower court in which the constitutionality of an Act of Congress is drawn into question.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourth Amendment to the United States Constitution provides in relevant part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fifth Amendment to the United States Constitution provides in relevant part: "[N]or be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Fourteenth Amendment to the United States Constitution provides in relevant part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430), provides: "Title VIII provides for the administration of all Federal programs and

activities relating to housing and urban development in a manner affirmatively to further fair housing throughout the United States."

Title VI of the Civil Rights Act of 1964, (P.L. 88-352)

42 U.S.C. §3617 provides: "It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title."

42 U.S.C. §3631 provides: "Whoever, whether or not acting under color of law, by force or threat of force willfully injuries, intimidates or interferes with, or attempts to injure, intimidate or interfere with -

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from -

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organization or facilities described in subsection (a) of this section;

or

(2) affording another person or class of persons opportunity or protection so to participate;

or

(3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities, described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate -

shall be fined under title 18 or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under title 18 or imprisoned not

more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under title 18 or imprisoned for any term of years or for life, or both."

28 U.S.C. §1443 provides: "Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such state a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof.

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

18 U.S.C. §242 provides: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or

race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death."

42 U.S.C. §1985(2) and (3) provide in part: "(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any

citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws; (3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against one or more of the conspirators."

42 U.S.C. §1983 provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

18 U.S.C. §241 provides: "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured ·

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results

from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

28 U.S.C. §144 provided in App. A 19.

28 U.S.C. §455 provided in App. A 19-20.

28 U.S.C. §1404(a) provided in App. A 22-27.

28 U.S.C §1441 provided in App. A 27.

28 U.S.C §1332 provided in App. A 29.

STATEMENT OF THE CASE

Proceedings Below

Petitioner Eileen Chu Hing filed a complaint for divorce in Pennsylvania state court, appealed to the Superior Court of Pennsylvania , then removed her case to the United States District Court for the Eastern District of North Carolina Western Division and subsequently appealed to the United States Circuit Court of Appeals for the Fourth Circuit.

Issue 1

Civil Rights Violation - Fair Housing Act violation
Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430); Title VI of the Civil Rights Act of 1964, (P.L. 88-352)
42 U.S.C. §3617
42 U.S.C. §3631
42 U.S.C. §1985(2) and (3)
42 U.S.C. §1983
18 U.S.C. §241
Conspiracy to commit fraud
Breach of trust
Fraud of Rights

Supporting Facts and Argument

Petitioner Eileen Chu Hing was physically assaulted by Respondent Glenn F. Hing's brother, Mark Hing (aka Ning Hing). After the attack, Petitioner's personal property were fraudulently taken from her and her civil liberties were violated.

The timeline of events, as Petitioner avers:

Since around
Jan 1985

> I am newly engaged to Glenn F Hing. Glenn's parents had a 6 storied dilapidated commercial warehouse that they wanted to convert into residential units, and

promised to give us title if we renovated our floor. Glenn, who is a real estate attorney, invested my money in his parents' property without properly securing it. (The checks are on file and submitted as evidence in lower court.) This luxury loft apartment became my home for 21 years.

Mar 2004

I am assaulted by Glenn's brother (Mark Hing, aka Ning Hing), in front of my children at my home, over him stealing my son's computer gaming magazine from our stack of mail. I suffered a concussion, severe head and neck trauma, and ulnar nerve damage.
A police report was filed.
Glenn does not take me to the emergency room nor pick me up. Glenn cuts off all my income and cancels one of my credit cards.
Glenn and his parents, Frank and Lai Wah Hing, threatened me with eviction if I do not withdraw the protection from abuse lawsuit filed against Mark Hing.

Apr 2004

The protection from abuse order is granted against Frank and Lai Wah Hing's son, Mark Hing.

May 2004

I receive an eviction notice from Frank and Lai Wah Hing addressed to Eileen Chu Hing, Glenn F Hing and family (our two minor children).

Aug 2004

I filed for divorce at a Catholic priest's urging.

Sep 2006

I am evicted from my marital home. On Sep 6th, the two sheriffs unlocked my door, called several police officers, and put me out on the street. I recorded the parties involved in the eviction on video for my records.

I was denied housing because of discrimination based on my familial status as daughter in law. Blood is thicker than water.

I was denied housing because I filed for protection from abuse against Frank and Lai Wah Hing's son, Mark Hing.
My minor children were denied housing.

In Philadelphia, I was harassed and threatened, including the threat of eviction, by Glenn, his parents, and his relatives, from 2004 to 2006. There are police reports filed documenting the long history of domestic violence.

In addition, Glenn's parents, Frank and Lai Wah Hing, used an illegal forged instrument for eviction (a photocopy of the writ of possession was posted on my door as an eviction notice). Date stamped video and still shot pictures of the illegal forged instrument for eviction used are available.

I believe that Frank and Lai Wah Hing, who were owners of 1033-35 Race Street at that time, discriminated against me. I was denied housing as I was protecting myself from a criminal, Mark Hing aka Ning Hing.

The act of discrimination occurred at the multifamily dwelling located at 1033-35 Race Street, Philadelphia, PA 19107.

The discrimination is ongoing.

I fled to North Carolina on Sep 6th and have a confidential address granted by the Attorney General of North Carolina.

Aug 2008

My office headquarters located at 211 North Camac Street, Philadelphia, PA 19107 was burglarized. The Philadelphia police caught the burglars red handed. The police report incident DC # is 08-06-047534. Officer Sweeney from the

6th District, 235 North 11th Street, Philadelphia, PA was the police officer who was there at the scene. The burglars were Frank Hing and Glenn Hing. I have US and international patents pending. They "cleaned out my office" and took intellectual property, trade secrets, and confidential information belonging to my company and third parties. All my evidence, computers, files, and court proceeding information were taken from my office as well.

There is only one key to the high security dead bolt lock to my office headquarters and I have it. They took the door off to break into my office.

Issue 2

Civil Rights Violation · Due Process Clause of the US Constitution violation
Inadequacy of personal notices
Inadequacy of personal service of process
Lack of Due Process
Lack of Personal Jurisdiction

Supporting Facts and Argument

Ex parte hearings regarding personal property and alimony were conducted without Appellant.

Lack of Personal Jurisdiction over the Appellant on judgments rendered after September 6, 2006 from the lower court on grounds that the Appellant, a non-resident of the State, was not personally served with process nor personal notices and did not appear in the proceedings.

1. The US Supreme Court stated that judgments entered by a court without jurisdiction were violations of the Due Process Clause of the US Constitution (Pennoyer v. Neff, 95 U.S. 714, 24 L. Ed. 565 [1877]).

"...The plaintiff was a non-resident of the State that he was not personally served with process and did not appear therein..."

"...Personal judgment rendered against a non-resident without service of process upon him in the action or his appearance therein..."

"...The judgment in the State court against the plaintiff was void for want of personal service of process on him or of his appearance in the action in which it was rendered..."

"...In this case, there was no personal notice, making the judgments nullities..."

"...The proceedings were deemed an illegitimate assumption of power and resisted as mere abuse..."

"...Since the adoption of the Fourteenth Amendment to the Federal Constitution the validity of such judgments may be directly questioned, and their enforcement in the State resisted, on the ground that proceedings in a court of justice to determine the personal rights and obligations of the parties over whom that court has no jurisdiction do not constitute due process of law..."

"It is a case of depriving a person of his property without due process of law."

"A statute which should authorize any debt or damages to be adjudged against a person upon a purely ex parte proceeding, without a pretence of notice or any provision for defending, would be a violation of the Constitution, and be void..."

"..where a party has property in a State, and resides elsewhere, ... due process of law would require appearance or personal service before the defendant could be personally bound by any judgment rendered."

(Personal service means in hand delivery of the papers to the proper person.)

2. The US Supreme Court ruled that service of process should be reasonably calculated to apprise

interested parties of the pendency of the action and afford them an opportunity to be heard. The reasonableness of the notice must be considered in light of all the circumstances. (Greene v. Lindsey, 456 U.S. 444, 102 S. Ct. 1874, 72 L. Ed. 2d 249 [1982]).

"...an elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections..." (Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 3 339 U.S. 14. P P. 449-450)"

"..The fundamental requisite of due process of law is the opportunity to be heard." (Grannis v. Ordean, 234 U.S. 385, 394 (1914).

3. Appellee did not comply with due process of law requiring personal service of process and personal notices, therefore the lower court lacked personal jurisdiction over the Appellant and the judgments rendered after September 6, 2006 are null and void.

Issue 3

Civil Rights Violation - Due Process Clause of the US Constitution violation

Appearance of Personal Bias and Prejudice by lower court judge
18 U.S.C. §242
Color of Law
Lack of Due Process

Supporting Facts and Argument

A Fair Trial in a fair tribunal is a basic requirement of due process. Discovery has still not been completed. Most preposterous was that the Appellant's children were taken away from her and the Appellant is a "super mom"! The lower court did not provide protection and support for the Appellant. So Appellant fled to North Carolina, which provided her with protection and support.

The lower court judge, Judge Robert J Matthews has an appearance of personal bias and prejudice against Appellant, Eileen Chu Hing, in this matter and the grounds for Appellant's belief are the following facts:

1. Appellant has not received a fair trial in lower court.

2. The judge has been unnecessarily harsh on Appellant in this matter. The lower court has imposed such impossible financial burdens on Appellant and unforgivable emotional distress on Appellant's children.

3. The judge's actions and statements gave the appearance of personal bias and prejudice, from which a sampling is listed as follows:

(a.) The judge's incessant acrimonious loud yelling at Appellant is a common occurrence during his proceedings. In contrast, the judge does not yell at Appellee. There appears to be a conflict of interest, as Appellee is a practicing attorney in Philadelphia County and a Philadelphia City Commissioners Voter Registration Committee Person.

(b.) During the initial support hearing, the judge interrupted the hearing with a phone call to Master Juanita Holden in the courtroom. It appeared to be for no apparent reason other than to tarnish Appellant's reputation, because Master Juanita Holden gave Appellant a dirty look after the phone call.

(c.) In August 2006, Ned Hark, Appellee's attorney, failed to show up for a hearing. The judge would not conduct the hearing without him and made Appellant wait two hours that morning, so he could schedule a telephone conference call hearing for that day. Conversely, the judge does not call Appellant to participate in a telephone conference call hearing when Appellant does not appear for a hearing.

(c.) The judge made references to what his dead assistant, Mary, told him, and used the

disputed evidentiary information against Appellant during the proceedings.

(d.) In the November 2007 proceeding, the judge insisted that Appellant was an attorney and refused to accept the fact that she was not an attorney!

3. The judge made unfair and prejudicial rulings, from which a sampling is listed as follows:

(a.) The judge ruled against Appellant on the return of marital funds that were taken out before the separation date and several months before the divorce was filed.

(b.) The judge penalized Appellant with adverse rulings for not filing joint tax returns, even though Appellant did not receive half the income.

(c.) The judge ruled for no support whatsoever for Appellant.

(d.) From 2004 to 2006, the support hearings were delayed with continuous cancellations and postponements. The first support hearing was heard in the Spring 2006, nearly two years after the divorce filing! As of April 2008, the three years of back child support is still outstanding and continues to be unresolved by the lower court.

(e.) The first custody hearing was cancelled in October 2004 and not heard until December 2005. The judge granted primary physical custody of the children to Appellee because he said that Appellant, at that time, was being evicted from her marital home by Appellee's parents and did not secure a place to live. Appellant came back with a lease to an apartment and asked the judge to grant primary physical custody to Appellant, which he denied. The judge also ruled an overly restrictive visitation schedule for Appellant: two days a week with no overnights.

(f.) In a subsequent custody hearing, the judge would not allow Appellant's daughter to testify, nor take her testimony in his chambers, that she wanted to live with her mother. Instead, the judge made Appellant's daughter wait outside of the courtroom. What was most disturbing was that she could hear the judge yelling at her mother from where she was sitting.

(g.) The judge ruled for Appellant to give Appellant's car to the Appellee, even though the Appellee had two cars: a BMW convertible and a brand new Infiniti.

(h.) At one of the numerous ex parte hearings, the judge granted Appellee's request for bifurcation, which is extremely unusual and questionable.

(i.) For the November 2007 proceeding, the judge granted a denovo trial and would not allow

Appellant to present witnesses nor exhibits on Appellant's behalf, but allowed Appellee to do so.

(j.) At the November 2007 hearing, Appellant was denied attorney's fees because the judge stated that she was an attorney! He allowed her counsel to dump Appellant at that hearing because Appellant could not provide $10,000.00 in cash within two hours. The judge would not allow a continuance. Appellant was completely unprepared at this hearing.

1. The question is not whether the Honorable Robert J Matthews is impartial in fact, but rather whether reasonable men might question his impartiality under all circumstances. (United States v. Gigax, 605 F .2d 507 (10th Cir. 1979)).

"...if a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed..."

The Supreme Court said:
"...Once facts have been set forth that create a reasonable inference of a 'bent of mind' that will prevent the judge from dealing fairly with the party seeking recusal, it is incumbent upon the trial judge to recuse himself..."

28 U.S.C. §144 provides as follows:
"...Whenever a party to any proceeding in a district court makes and files a timely and sufficient

affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding..."

28 U.S.C. §455 further provides:
"...(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding..."

"...In determining whether a judge should recuse under §455(a), the issue is not whether the judge is impartial in fact, but rather, whether a reasonable man might question his impartiality under all circumstances...SCA Services, Inc. v. Morgan, 557 F .2d 110 (7th Cir. 1977)." United States v. Gigax, 605 F .2d 507, 510 (10th Cir. 1979).

"...enunciates the appearance of partiality as the general standard of judicial recusal..." SCA Services, Inc. v. Morgan, 557 F .2d 110, 116 (7th Cir. 1977) (Section 455(a)).

"...justice must satisfy the appearance of justice..." Offut v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13, 99 L. Ed. 11 (1954) (emphasis added).

"... Our concern is with the fair administration of justice...The record is persuasive that, instead of representing the impersonal authority of law, the trial judge permitted himself to become personally embroiled with the petitioner. There was an intermittently continuous wrangle on an unedifying level between the two. For one reason or another, the judge failed to impose his moral authority upon the proceedings. His behavior precluded that atmosphere of austerity...Such an atmosphere will also make for dispatch insofar as is consonant with a fair trial..."

2. If a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed. Berger v. United States, 255 U.S. 22 (1921); United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976). Nonetheless, charges of misconduct or prejudice leveled at trial judges "should not be lightly made and, once made, should not be casually treated by a reviewing court." United States v. Cardall, 550 F .2d 604, 606 (10th Cir. 1976), cert. denied, 434 U.S. 841 (1977).

"...conviction reversed because judge's conduct cast a serious shadow on the appearance of justice..." United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976).

"...A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness...Circumstances and relationships must be considered. This Court has said, however, that 'Every procedure which would offer a possible temptation to the average man as a judge...not to hold the balance nice, clear, and true between the State and the accused, denies the latter due process of law.'..." Turney v. Ohio, 273 U.S. 510, 532 (47 S. Ct. 437, 444, 71 L. Ed. 749).

3. In analysis of Judge Robert J Matthews's unfair and prejudicial rulings, actions, and statements, his continued role in this litigation now raises substantial concerns regarding the appearance of impartiality. The judge's unfair and prejudicial rulings, actions, and statements did not comport with the appearance of justice, and it cannot be said from the record alone that Appellant received a fair trial. The judge must be removed from presiding over the hearings or trials in this particular matter because he has shown the appearance of bias, prejudice, or interest in the outcome of the proceedings, so that the judgments rendered and effected by Judge Robert J Matthews are null and void, and the record of the effects of the judge's bias purged. Appellant requests a new trial.

Issue 4

Removal to Federal Court in North Carolina for a fair trial 28 USC Section 1441
Diversity Jurisdiction 28 USC Section 1332
Forum Non Conveniens
Change of Venue 28 USC Section 1404(a)
Conspiracy to commit fraud
Breach of trust
Fraud of rights
Civil Rights violation
28 U.S.C. §1443
Federal Question

Supporting Facts and Argument

Appellant is the Plaintiff.
The parties are diverse.
The amount in controversy exceeds the minimum controversy requirement.
The case was removed from Pennsylvania state court.
This is a most bizarre case that demands the Federal Court's review for a fair trial.

Any party, including Plaintiff, may move for a transfer under 28 USC Section 1404(a), I-T-E Circuit Breaker Co. v. Regan, 348 F.2d 403 (8th Cir. 1965); American Standard, Inc. v. Bendix Corp, 487 F. Supp. 254, 260 (W.D. Mo. 1980); Montgomery Ward & Co. v. Anderson Motor Service, Inc., 339 F. Supp.

713, 718 n.3 (W.D. Mo. 1971); Lead Industries Association, Inc. v. Occupational Safety and Health Administration, 610 F.2d 70, 79 n.17 (2d Cir. 1979); Mobil Corp v. SEC, 550 F. Supp. 67, 69 (S.D.N.Y. 1982).

Baltimore & Ohio R. Co. v. Kepner, 314 U.S. 44 (1941), states:
"...on the ground that the prosecution in that district is inequitable, vexatious, and harassing..."
"...venue is a privilege created by federal statute..."

Hoffman v. Blaski, 363 U.S. 335 (1960), states:
"The phrase 'where it might have been brought' in Section 1404(a) cannot be interpreted to mean 'where it may now be rebrought, with defendants' consent.'"

"Under §1404(a), the power of a district court to transfer an action to another district is made to depend not upon the wish or waiver of the defendant, but upon whether the transferee district is one in which the action 'might have been brought' by the plaintiff."

"...Section 1404(a) was devised to avoid needless hardship and even miscarriage of justice by empowering district judges to recognize special circumstances calling for special relief. It provides that an action, although begun in a place falling within the normally applicable venue rubric may be sent by the District Court to go forward in another

district much more appropriate when judged by the criteria of judicial justice."

"Universal distrust creates universal incompetence." Graham v. United States, 231 U.S. 474, 480.

"Subsection (a) was drafted in accordance with the doctrine of forum non conveniens, permitting transfer to a more convenient forum, even though the venue is proper...The new subsection requires the court to determine that the transfer is necessary for convenience of the parties and witnesses, and further, that it is in the interest of justice to do so."

Stewart Organization, Inc. v. Ricoh Corp., 487 U.S. 22 (1988), states:
"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

"When a federal law sought to be applied in a diversity action is a congressional statute, the chief question for the district court's determination is whether the statute is sufficiently broad to control the issue before the court. If so, the court then must inquire whether the statute represents a valid exercise of Congress' authority under the Constitution. If Congress intended to reach the issue before the court, and if it enacted its intention into law in a manner that abides with the Constitution, that is the end of the matter; federal courts are bound to apply laws enacted by Congress

with respect to matters over which it has legislative power."

"§1404(a) is sufficiently broad to control the forum-selection clause. The statute is intended to place discretion in the district courts to adjudicate motions for transfer according to an individualized, case-by-case consideration of convenience and fairness."

"...questions of venue in diversity actions are governed by federal law, and that the parties' forum-selection clause was enforceable as a matter of federal law...'[v]enue is a matter of federal procedure.'..."

"§1404(a) is intended to place discretion in the district court to adjudicate motions for transfer according to an 'individualized, case-by-case consideration of convenience and fairness.' Van Dusen v. Barrack, 376 U.S. 612, 622 (1964).

"...'interest of justice'..."

Van Dusen v. Barrack, 376 U.S. 612 (1964), states:
"Where a §1404(a) transfer is held not to effect a change of state law, but essentially only to authorize a change of federal courtrooms, the provision in Rule 17(b) that the capacity of personal representatives to sue or be sued shall be determined by the law of the State "in which the district court is held" should similarly be interpreted to refer to the law of the

State in which the transferor District Court is located."

"...[I]n removal cases, the Federal Court must apply the state law and the state policy."

"Although, as a matter of federal policy, a case may be transferred to a more convenient part of the system, whatever rights the parties have acquired under state law should be unaffected. The case should remain as it was in all respects but location. Headrick v. Atchison, T. & S.F. Ry. Co., 182 F.2d 305..."

"...that both the history and purposes of §1404(a) indicate that it should be regarded as a federal judicial housekeeping measure, dealing with the placement of litigation in the federal courts and generally intended, on the basis of convenience and fairness, simply to authorize a change of courtrooms."

Parsons v. Chesapeak & OR Co., 375 U.S. 71 stated: "A prior state court dismissal on the ground of forum non conveniens can never serve to divest a federal district judge of the discretionary power vested in him by Congress to rule upon a motion to transfer under §1404(a)."

"...original jurisdiction of all civil actions arising under the Constitution, law or treaties of the United States."

www.danataschner.com/diversity_jurisdiction.html, states:
"Diversity jurisdiction is a term used in civil procedure to refer to the situation in which a United States federal court has subject matter jurisdiction to hear a case because the parties are diverse. Article II of the United States Constitution gives the US Congress the power to permit federal courts to hear such cases.

If a case is originally filed in state court, and the diversity and amount in controversy requirements are met, either party may remove the case to federal court, by filing a notice of removal with both the state court in which the case been filed, and the federal court to which it will be transferred.

The United States Supreme Court determined in Erie Railroad Co. v. Tompkins (1938) that the law to be applied in a diversity case would be the law of whatever state the action was filed in."

1. Under the Procedure for Removal, 28 USC §1446(a) states:

> "A defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file in the district court of the United States for district and division within such action is pending a notice of removal..."

2. In 1996, Congress provides for remand only within 30 days of removal for "any defect other than lack of subject matter jurisdiction". A remand based on a procedural defect must be made within 30 days of removal. 28 USC §1447(c) states:

> "A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under §1446(a)."

Procedural defects must be raised in a motion to remand within 30 days after removal or they are waived.

3. The notice of removal was filed on May 15, 2008.

4. A motion to remand for procedural defects was not filed. The 30 day statutory requirement was not met. Therefore the Federal Court has subject matter jurisdiction.

5. Appellant is in Nash County, North Carolina. Appellee lives in Montgomery County, Pennsylvania. Appellee is an attorney and works in Philadelphia County, Pennsylvania. The Philadelphia County court system is his playground. Appellee is a committee person in Philadelphia County with strong political connections in Pennsylvania. It is not possible for the Appellant to have a fair trial in the court systems within Pennsylvania.

A jurisdictional rule would require the Appellant's preferred forum. Appellant has not received Due Process in Pennsylvania. Pennsylvania is an inconvenient forum for Appellant. Appellant requests a new trial under the jurisdiction of the Federal Court system for North Carolina.

Issue 5

Diversity Jurisdiction 28 USC Section 1332
Conspiracy to commit fraud
Breach of trust
Fraud of rights
Preserve Status Quo while pending appeal
Prevent Dissipation of Marital Assets

Supporting Facts and Argument

Wissner v. Wissner, 338 U.S. 655 (1950) states:
"The husband's earnings are community property. The wife has a vested interest in one-half of such earnings. United States v. Malcolm, 282 U.S. 792"

"If the premiums on a policy in a private insurance company had been paid out of community property without wife's consent, the wife could claim her proportionate share of the insurance."

"The nature of this dispute is a claim by the wife that she is the owner of a half portion of these proceeds because such proceeds are the fruits of funds originally hers."

Ridgway v. Ridgway, 454 U.S. 46 (1981) states:

"...this Court's 'only power over state judgments is to correct them to the extent that they incorrectly adjudge federal rights.' Herb v. Pitcairn, 324 U.S. 117, 324 U.S. 125-126 (1945)"

"[s]tate family and family property law must do 'major damage' to 'clear and substantial' federal interests before the Supremacy Clause will demand that state law be overridden..."

"..alimony may not be limited to the amount essential to support the divorced spouse..."

Bellotti v. Baird, 443 U.S. 622, 443 U.S. 633-635 states:

"...fraudulent behavior: attempts 'to divest the wife of any interest in her property' 454 U.S. 59"

Yiatchos v. Yiatchos, 376 U.S. 306 (1964) states:

"...doctrine of fraud as an exception 'to the regulatory imperative'"

"...'was in the fraud of the rights' of the surviving wife, as 'a void endeavor to divest the wife of any interest in her own property.'"

Which grew out of "fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the general community property."

"...having been under a fiduciary duty to manage the community funds for the benefit of the community, '[a] breach of this duty [was] a constructive fraud.'"

"...If that purchase operated to deprive her of her one-half interest in the community property, it is tantamount to a constructive fraud upon the community property, and under Free v. Bland, supra, relief must be granted to the extent of making whole the surviving wife's undivided interest."

Free v. Bland, 369 U.S. 663 (1962), states:
"...all property acquired by either spouse during marriage belongs to the community of the husband and wife. Property purchased with community property retains a community character."

"...breach of trust or conversion of another's property..."

"...any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law must yield."

"...and relief would be available in a case where the circumstances manifest fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the community property."

"Doctrine of fraud applicable under federal law, See, eg., Holmberg v. Armbrecht, 327 U.S. 392; Clearfield Trust Co. v. United States, 318 U.S. 363"

1. In March 2007, Appellee purchased a house in Merion Station, Pennsylvania, titled in his name only, using marital funds and without the consent of Appellant, for $699,000.00. His actions resulted in a breach of trust and a dissipation of marital assets.

2. Appellant desires immediate return of the monies used for the purchase of Appellee's house plus interest lost: $140,000.00 + $28,000.00 = $168,000.00.

3. It appears that Appellee is trying to hide this real estate asset, as the Merion Station property is not listed under "property owned", in his income and expense statement submitted to the Support Master in the support hearing held on February 2008.

4. Appellee gives the appearance of exhibiting fraudulent behavior.

Yiatchos v. Yiatchos, 376 US 306 (1964) states:

"...purchase with community funds...payable to him alone...was in fraud of rights of the respondent wife" and

"...a void endeavor to divest the wife of any interest in her own property..."

"...having been under a fiduciary duty to manage the community funds for the benefit of the community, '[a] breach of this duty [was] a constructive fraud'..."

"...The question to be determined under Free v. Bland, 369 U.S. 663 (1962) is whether...that purchase operated to deprive her of her one-half interest in the community property, it is tantamount to a constructive fraud upon the community property, and, under Free v. Bland, supra, relief must be granted to the extent of making the surviving wife's undivided interest..."

In matters regarding "...breach of trust or conversion of another's property...",
Free v. Bland, 369 U.S. 663 (1962) states:

"...and relief would be available in a case where the circumstances manifest fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the general community property..."

5. Appellant will be irreparably harmed if the monies used to purchase the house plus interest is not immediately returned.

In addition,

6. On August 17, 2008, Appellee and his father Frank Hing, broke into Appellant's office headquarters in Philadelphia, Pennsylvania and "cleaned out the office". Appellee and his father Frank Hing were caught red handed by the Philadelphia police. The office was secured with a high security deadbolt lock. There is only one key and the Appellant has it.

7. The police report incident DC # is 08-06047534.

8. Appellant has US and international patents pending. Appellee and his father Frank Hing took intellectual property, trade secrets, and confidential information belonging to Appellant's business and third parties, without Appellant's authorization and consent. Appellant and the third parties especially want their confidential information returned forthwith.

9. It appears that this is an attempt to sabotage Appellant's business. Appellant is sole owner, president & CEO, and exclusive officer of Appellant's business.

10. There appears to be a coverup of fraud, as Appellee and his father Frank Hing took Appellant's personal property, including evidence, confidential attorney-client communications, medical reports,

files, and court proceeding information from Appellant's office pertinent to this case and to the Violation of the Fair Housing Act complaint filed.

11. Appellee, who is an attorney, gives the appearance of exhibiting fraudulent behavior.

12. Appellant is irreparably harmed by Appellee's actions. Appellant's business is irreparably harmed by Appellee's actions.

13. Appellant requests this Honorable Court to restore the status quo pending the disposition of this appeal, to prevent dissipation of marital assets, to return marital assets that have been dissipated to Appellant, to return all items taken from Appellant's office, forthwith.

14. On August 4, 2008, an EMERGENCY MOTION TO PREVENT DISSIPATION OF MARITAL ASSETS IN THE FORM OF A MOTION FOR SPECIAL RELIEF TO PREVENT SALE OF A CERTAIN REAL ESTATE ASSET, was filed in the United States District Court for the Eastern District of North Carolina, Western Division, regarding a marital asset, comprising a property located at 211-17 North Camac Street, Philadelphia, Pennsylvania. The property was conveyed to Fujian Investment Group on August 25, 2008 for $900,000.00 while this property is pending motion before the court. Appellant requests this Honorable Court to reverse the dissipation of the marital asset

and impose appropriate sanctions against Appellee, Glenn F. Hing, Esquire.

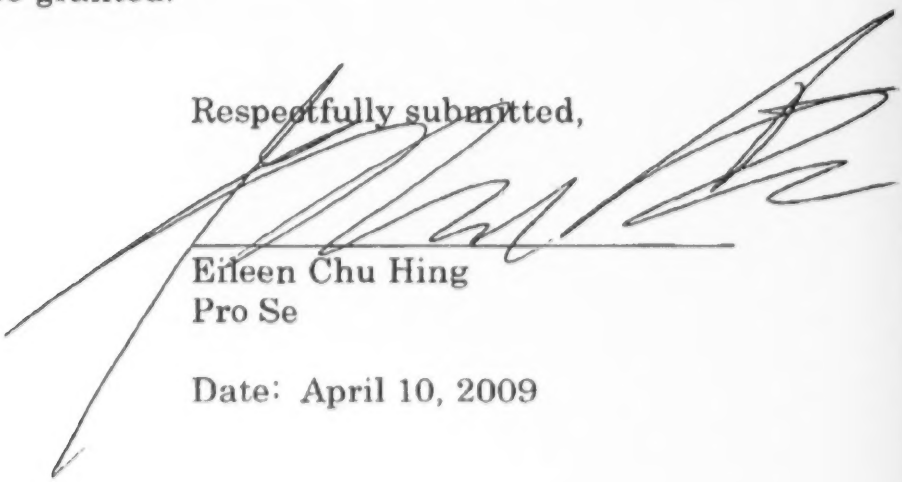
Accordingly, this Court should grant this petition for an extraordinary writ of certiorari under Rule 10(c) and Rule 20(1) of the United States Supreme Court Rules and 28 U.S.C. §1651(a) .

CONCLUSION

Appellant moves and prays the Honorable Court of Appeals to restore the status quo while pending the disposition of this appeal, to set aside judgments, to grant a new trial with a new judge in a Federal courtroom under the jurisdiction of the Federal Court system for North Carolina using Pennsylvania state law with both parties represented, and impose appropriate sanctions as deemed appropriate.

The petition for an extraordinary writ of certiorari should be granted.

Respectfully submitted,



Eileen Chu Hing
Pro Se

Date: April 10, 2009

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2292

EILEEN CHU HING,

Plaintiff - Appellant,

v.

GLENN F. HING,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:08-cv-00210-BO)

Submitted: January 15, 2009 Decided: January 21, 2009

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Eileen Chu Hing, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Plaintiff-appellant Eileen Chu Hing filed a complaint for divorce in Pennsylvania state court. Hing subsequently removed the case to the Eastern District of North Carolina. Concluding that subject matter jurisdiction was lacking, the district court dismissed and remanded the action back to the state court. Hing moved for reconsideration pursuant to Fed. R. Civ. F. 59(e), and the district court denied the motion. Hing filed a timely appeal. For the reasons that follow, we dismiss the appeal.

Pursuant to 28 U.S.C. § 1447(d) (2006), "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 . . . Shall be reviewable . . . ." The Supreme Court has limited § 1447(d) to insulate from appellate review those remand orders based on the grounds specified in § 1447(c): a defect in the removal procedure and a lack of subject matter jurisdiction. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 711-12 (1996). Because the district court concluded that it lacked subject matter jurisdiction under § 1441, its remand order is not subject to appellate review. See Severonickel v. Gaston

Reymenants, 115 F.3d 265, 266-69 (4th Cir. 1997); Mangold v. Analytic Servs., Inc., 77 F.3d 1442, 1450 (4th Cir. 1996); Noel v. McCain, 538 F.2d 633, 635 (4th Cir. 1976). Moreover, having determined that subject matter jurisdiction over Hing's case was lacking, the district court was without jurisdiction to consider Hing's motion to reconsider. See In re Lowe, 102 F.3d 731, 734-35 (4th Cir. 1996). Accordingly, we dismiss the appeal. We also deny Hing's motion for a transcript at government expense. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

FILED: January 21, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2292
(5:08-cv-00210-BO)

EILEEN CHU HING,

Plaintiff - Appellant,

v.

GLENN F. HING,

Defendant - Appellee.

JUDGMENT

In accordance with the decision of this Court, this appeal is dismissed.

This judgment shall take effect upon issuance of this Court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: February 12, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2292
(5:08-cv-00210-BO)

EILEEN CHU HING,

Plaintiff - Appellant,

v.

GLENN F. HING,

Defendant - Appellee.

MANDATE

The judgment of this Court, entered 1/21/09, takes effect today.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellant Procedure.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 08-2292
5:08-cv-00210-BO

EILEEN CHU HING,	)	
	)	
Appellant,	)	INFORMAL BRIEF
	)	
vs.	)	
	)	
GLENN F. HING,	)	
	)	
	)	
	)	

1. **Jurisdiction**

A. IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

B. Order dismissing matter and denying all other pending motions as moot,
entered in this action on the 21st day of October 2008.

2. **Timeliness of notice of appeal or petition for review**

Notice of appeal filed November 7, 2008

3. **Issues for Review**

Issue 1.

Civil Rights Violation - Fair Housing Act violation
Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, (P.L. 100-430); Title VI of the Civil Rights Act of 1964, (P.L. 88-352)
Conspiracy to commit fraud
Breach of trust
Fraud of Rights

Supporting Facts and Argument .

Appellant was physically assaulted by Appellee's brother. After the attack, Appellant's personal property were fraudulently taken from her and her civil liberties were violated.

The timeline of events:

Since around
Jan 1985

I am newly engaged to Glenn F Hing. Glenn's parents had a 6 storied dilapidated commercial warehouse that they wanted to convert into residential units, and promised to give us title if we renovated our floor. Glenn, who is a real estate attorney, invested my money in his parents' property without properly securing it. (The checks are on file and

submitted as evidence in lower court.) This luxury loft apartment became my home for 21 years.

Ma 2004

I am assaulted by Glenn's brother (Mark Hing, aka Ning Hing), in front of my children at my home, over him stealing my son's computer gaming magazine from our stack of mail. I suffered a concussion, severe head and neck trauma, and ulnar nerve damage.
A police report was filed.
Glenn does not take me to the emergency room nor pick me up. Glenn cuts off all my income and cancels one of my credit cards.
Glenn and his parents, Frank and Lai Wah Hing, threatened me with eviction if I do not withdraw the protection from abuse lawsuit filed against Mark Hing.

Apr 2004

The protection from abuse order is granted againt Frank and Lai Wah Hing's son, Mark Hing.

May 2004

I receive an eviction notice from Frank and Lai Wah Hing addressed to Eileen Chu Hing, Glenn F Hing and family (our two minor children).

Aug 2004

I filed for divorce at a Catholic priest's urging.

Sep 2006

I am evicted from my marital home. On Sep 6th, the two sheriffs unlocked my door, called several police officers, and put me out on the street. I recorded the parties involved in the eviction on video for my records.

I was denied housing because of discrimination based on my familial status as daughter in law. Blood is thicker than water.

I was denied housing because I filed for protection from abuse against Frank and Lai Wah Hing's son, Mark Hing.

My minor children were denied housing.

In Philadelphia, I was harassed and threatened, including the threat of eviction, by Glenn, his parents, and his relatives, from 2004 to 2006. There are police reports filed documenting the long history of domestic violence.

In addition, Glenn's parents, Frank and Lai Wah Hing, used an illegal forged instrument for eviction (a photocopy of the writ of possession was posted on my door as an eviction notice). Date stamped video

and still shot pictures of the illegal forged instrument for eviction used are available.

I believe that Frank and Lai Wah Hing, who were owners of 1033-35 Race Street at that time, discriminated against me. I was denied housing as I was protecting myself from a criminal, Mark Hing aka Ning Hing.

The act of discrimination occurred at the multifamily dwelling located at 1033-35 Race Street, Philadelphia, PA 19107.

The discrimination is ongoing.

I fled to North Carolina on Sep 6th and have a confidential address granted by the Attorney General of North Carolina.

Aug 2008

My office headquarters located at 211 North Camac Street, Philadelphia, PA 19107 was burglarized. The Philadelphia police caught the burglars red handed. The police report incident DC # is 08-06-047534. Officer Sweeney from the 6th District, 235 North 11th Street, Philadelphia, PA was the police officer who was there at the scene. The burglars were Frank Hing and Glenn Hing. I have US and international patents pending. They "cleaned out my office" and took intellectual property, trade secrets, and

confidential information belonging to my company and third parties. All my evidence, computers, files, and court proceeding information were taken from my office as well.

There is only one key to the high security dead bolt lock to my office headquarters and I have it. They took the door off to break into my office.

Issue 2.

Civil Rights Violation - Due Process Clause of the US Constitution violation
Inadequacy of personal notices
Inadequacy of personal service of process
Lack of Due Process
Lack of Personal Jurisdiction

Supporting Facts and Argument.

Ex parte hearings regarding personal property and alimony were conducted without Appellant.

Lack of Personal Jurisdiction over the Appellant on judgments rendered after September 6, 2006 from the lower court on grounds that the Appellant, a non-resident of the State, was not personally served with process nor personal notices and did not appear in the proceedings.

1. The US Supreme Court stated that judgments entered by a court without jurisdiction were violations of the Due Process Clause of the US Constitution (Pennoyer v. Neff, 95 US 714, 24 L. Ed. 565 [1877]).

"...The plaintiff was a non-resident of the State that he was not personally served with process and did not appear therein..."

"...Personal judgment rendered against a non-resident without service of process upon him in the action or his appearance therein..."

"...The judgment in the State court against the plaintiff was void for want of personal service of process on him or of his appearance in the action in which it was rendered..."

"...In this case, there was no personal notice, making the judgments nullities..."

"...The proceedings were deemed an illegitimate assumption of power and resisted as mere abuse..."

"...Since the adoption of the Fourteenth Amendment to the Federal Constitution the validity of such judgments may be directly questioned, and their enforcement in the State resisted, on the ground that proceedings in a court of justice to determine the personal rights and obligations of the parties over whom that court has no jurisdiction do not constitute due process of law..."

"It is a case of depriving a person of his property without due process of law."

"A statute which should authorize any debt or damages to be adjudged against a person upon a purely ex parte proceeding, without a pretence of notice or any provision for defending, would be a violation of the Constitution, and be void..."

"...where a party has property in a State, and resides elsewhere, ... due process of law would require appearance or personal service before the defendant could be personally bound by any judgment rendered."

(Personal service means in hand delivery of the papers to the proper person.)

2. The US Supreme Court ruled that service of process should be reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to be heard. The reasonableness of the notice must be considered in light of all the circumstances. (Greene v. Lindsey, 456 U.S. 444, 102 S. Ct. 1874, 72 L. Ed. 2d 249 [1982]).

"...an elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections..."

(Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 3 339 U.S. 14. P P. 449-450)"

"..The fundamental requisite of due process of law is the opportunity to be heard." (Grannis v. Ordean, 234 U.S. 385, 394 (1914).

3. Appellee did not comply with due process of law requiring personal service of process and personal notices, therefore the lower court lacked personal jurisdiction over the Appellant and the judgments rendered after September 6, 2006 are null and void.

Issue 3.

Civil Rights Violation · Due Process Clause of the US Constitution violation
Appearance of Personal Bias and Prejudice by lower court judge
Color of Law
Lack of Due Process

Supporting Facts and Argument.

A Fair Trial in a fair tribunal is a basic requirement of due process. Discovery has still not been completed. Most preposterous was that the Appellant's children were taken away from her and the Appellant is a "super mom"! The lower court did not provide protection and support for the Appellant. So Appellant fled to North Carolina, which provided her with protection and support.

The lower court judge, Judge Robert J Matthews has an appearance of personal bias and prejudice against Appellant, Eileen Chu Hing, in this matter and the grounds for Appellant's belief are the following facts:

1. Appellant has not received a fair trial in lower court.

2. The judge has been unnecessarily harsh on Appellant in this matter. The lower court has imposed such impossible financial burdens on Appellant and unforgivable emotional distress on Appellant's children.

3. The judge's actions and statements gave the appearance of personal bias and prejudice, from which a sampling is listed as follows:

(a.) The judge's incessant acrimonous loud yelling at Appellant is a common occurrence during his proceedings. In contrast, the judge does not yell at Appellee. There appears to be a conflict of interest, as Appellee is a practicing attorney in Philadelphia County and a Philadelphia City Commissioners Voter Registration Committee Person.

(b.) During the initial support hearing, the judge interrupted the hearing with a phone call to Master Juanita Holden in the courtroom. It appeared to be for no apparent reason other than to tarnish Appellant's reputation, because Master Juanita Holden gave Appellant a dirty look after the phone call.

(c.) In August 2006, Ned Hark, Appellee's attorney, failed to show up for a hearing. The judge would not conduct the hearing without him and made Appellant wait two hours that morning, so he could schedule a telephone conference call hearing for that day. Conversely, the judge does not call Appellant to participate in a telephone conference call hearing when Appellant does not appear for a hearing.

(c.) The judge made references to what his dead assistant, Mary, told him, and used the disputed evidentiary information against Appellant during the proceedings.

(d.) In the November 2007 proceeding, the judge insisted that Appellant was an attorney and refused to accept the fact that she was not an attorney!

3. The judge made unfair and prejudicial rulings, from which a sampling is listed as follows:

(a.) The judge ruled against Appellant on the return of marital funds that were taken out before the separation date and several months before the divorce was filed.

(b.) The judge penalized Appellant with adverse rulings for not filing joint tax returns, even though Appellant did not receive half the income.

(c.) The judge ruled for no support whatsoever for Appellant.

(d.) From 2004 to 2006, the support hearings were delayed with continuous cancellations and postponements. The first support hearing was heard in the Spring 2006, nearly two years after the divorce filing! As of April 2008, the three years of back child support is still outstanding and continues to be unresolved by the lower court.

(e.) The first custody hearing was cancelled in October 2004 and not heard until December 2005. The judge granted primary physical custody of the children to Appellee because he said that Appellant, at that time, was being evicted from her marital home by Appellee's parents and did not secure a place to live. Appellant came back with a lease to an apartment and asked the judge to grant primary physical custody to Appellant, which he denied. The judge also ruled an overly restrictive visitation schedule for Appellant: two days a week with no overnights.

(f.) In a subsequent custody hearing, the judge would not allow Appellant's daughter to testify, nor take her testimony in his chambers, that she wanted to live with her mother. Instead, the judge made Appellant's daughter wait outside of the courtroom. What was most disturbing was that she could hear the judge yelling at her mother from where she was sitting.

(g.) The judge ruled for Appellant to give Appellant's car to the Appellee, even though the Appellee had two cars: a BMW convertible and a brand new Infiniti.

(h.) At one of the numerous ex parte hearings, the judge granted Appellee's request for bifurcation, which is extremely unusual and questionable.

(i.) For the November 2007 proceeding, the judge granted a denovo trial and would not allow Appellant to present witnesses nor exhibits on Appellant's behalf, but allowed Appellee to do so.

(j.) At the November 2007 hearing, Appellant was denied attorney's fees because the judge stated that she was an attorney! He allowed her counsel to dump Appellant at that hearing because Appellant could not provide $10,000.00 in cash within two hours. The judge would not allow a continuance. Appellant was completely unprepared at this hearing.

1. The question is not whether the Honorable Robert J Matthews is impartial in fact, but rather whether reasonable men might question his impartiality under all circumstances. (United States v. Gigax, 605 F .2d 507 (10th Cir. 1979)).

"...if a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed..."

The Supreme Court said:
"...Once facts have been set forth that create a reasonable inference of a 'bent of mind' that will prevent the judge from dealing fairly with the party seeking recusal, it is incumbent upon the trial judge to recuse himself..."

28 U.S.C. Section 144 provides as follows:
"...Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding..."

28 U.S.C. Section 455 further provides:
"...(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding..."

"...In determining whether a judge should recuse under Section 455(a), the issue is not whether the judge is impartial in fact, but rather, whether a reasonable man might question his impartiality under all circumstances...SCA Services, Inc. v.

Morgan, 557 F .2d 110 (7th Cir. 1977)." United States v. Gigax, 605 F .2d 507, 510 (10th Cir. 1979).

"...enunciates the appearance of partiality as the general standard of judicial recusal..." SCA Services, Inc. V. Morgan, 557 F .2d 110, 116 (7th Cir. 1977) (Section 455(a)).

"...justice must satisfy the appearance of justice..." Offut v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13, 99 L. Ed. 11 (1954) (emphasis added).

"... Our concern is with the fair administration of justice...The record is persuasive that, instead of representing the impersonal authority of law, the trial judge permitted himself to become personally embroiled with the petitioner. There was an intermittently continuous wrangle on an unedifying level between the two. For one reason or another, the judge failed to impose his moral authority upon the proceedings. His behavior precluded that atmosphere of austerity...Such an atmosphere will also make for dispatch insofar as is consonant with a fair trial..."

2. If a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed. Berger v. United States, 255 U.S. 22 (1921); United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976). Nonetheless, charges of misconduct or prejudice leveled at trial judges "should not be lightly made and, once made, should not be casually treated by a reviewing court."

United States v. Cardall, 550 F .2d 604, 606 (10th Cir. 1976), cert. denied, 434 U.S. 841 (1977).

"...conviction reversed because judge's conduct cast a serious shadow on the appearance of justice..." United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976).

"...A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness...Circumstances and relationships must be considered. This Court has said, however, that 'Every procedure which would offer a possible temptation to the average man as a judge...not to hold the balance nice, clear, and true between the State and the accused, denies the latter due process of law.'..." Turney v. Ohio, 273 U.S. 510, 532 (47 S. Ct. 437, 444, 71 L. Ed. 749).

3. In analysis of Judge Robert J Matthews's unfair and prejudicial rulings, actions, and statements, his continued role in this litigation now raises substantial concerns regarding the appearance of impartiality. The judge's unfair and prejudicial rulings, actions, and statements did not comport with the appearance of justice, and it cannot be said from the record alone that Appellant received a fair trial. The judge must be removed from presiding over the hearings or trials in this particular matter because he has shown the appearance of bias,

prejudice, or interest in the outcome of the proceedings, so that the judgments rendered and effected by Judge Robert J Matthews are null and void, and the record of the effects of the judge's bias purged. Appellant requests a new trial.

Issue 4.

Removal to Federal Court in North Carolina for a fair trial 28 USC Section 1441
Diversity Jurisdiction 28 USC Section 1332
Forum Non Conveniens
Change of Venue 28 USC Section 1404(a)
Conspiracy to commit fraud
Breach of trust
Fraud of rights
Civil Rights violation
Federal Question

Supporting Facts and Argument.

Appellant is the Plaintiff.
The parties are diverse.
The amount in controversy exceeds the minimum controversy requirement.
The case was removed from Pennsylvania state court.
This is a most bizarre case that demands the Federal Court's review for a fair trial.

Any party, including Plaintiff, may move for a transfer under 28 USC Section 1404(a), I-T-E Circuit Breaker Co. v. Regan, 348 F.2d 403 (8th Cir. 1965);

American Standard, Inc. v. Bendix Corp, 487 F. Supp. 254, 260 (W.D. Mo. 1980); Montgomery Ward & Co. v. Anderson Motor Service, Inc., 339 F. Supp. 713, 718 n.3 (W.D. Mo. 1971); Lead Industries Association, Inc. v. Occupational Safety and Health Administration, 610 F.2d 70, 79 n.17 (2d Cir. 1979); Mobil Corp v. SEC, 550 F. Supp. 67, 69 (S.D.N.Y. 1982).

Baltimore & Ohio R. Co. V. Kepner, 314 US 44 (1941), states:
"...on the ground that the prosecution in that district is inequitable, vexatious, and harrassing..."
"...venue is a privilege created by federal statute..."

Hoffman v. Blaski, 363 US 335 (1960), states:
"The phrase 'where it might have been brought' in Section 1404(a) cannot be interpreted to mean 'where it may now be rebrought, with defendants' consent.'"

"Under Section 1404(a), the power of a district court to transfer an action to another district is made to depend not upon the wish or waiver of the defendant, but upon whether the transferee district is one in which the action 'might have been brought' by the plaintiff."

"...Section 1404(a) was devised to avoid needless hardship and even miscarriage of justice by empowering district judges to recognize special circumstances calling for special relief. It provides that an action, although begun in a place falling within the normally applicable venue rubric may be

sent by the District Court to go forward in another district much more appropriate when judged by the criteria of judicial justice."

"Universal distrust creates universal incompetence." Graham v. United States, 231 US 474, 480.

"Subsection (a) was drafted in accordance with the doctrine of forum non conveniens, permitting transfer to a more convenient forum, even though the venue is proper...The new subsection requires the court to determine that the transfer is necessary for convenience of the parties and witnesses, and further, that it is in the interest of justice to do so."

Stewart Organization, Inc. v. Ricoh Corp., 487 US 22 (1988), states:
"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

"When a federal law sought to be applied in a diversity action is a congressional statute, the chief question for the district court's determination is whether the statute is sufficiently broad to control the issue before the court. If so, the court then must inquire whether the statute represents a valid exercise of Congress' authority under the Constitution. If Congress intended to reach the issue before the court, and if it enacted its intention into law in a manner that abides with the Constitution, that is the end of the matter; federal courts are bound to apply laws enacted by Congress

with respect to matters over which it has legislative power."

"Section 1404(a) is sufficiently broad to control the forum-selection clause. The statute is intended to place discretion in the district courts to adjudicate motions for transfer according to an individualized, case-by-case consideration of convenience and fairness."

"...questions of venue in diversity actions are governed by federal law, and that the parties' forum-selection clause was enforceable as a matter of federal law...'[v]enue is a matter of federal procedure.'..."

"Section 1404(a) is intended to place discretion in the district court to adjudicate motions for transfer according to an 'individualized, case-by-case consideration of convenience and fairness.' Van Dusen v. Barrack, 376 US 612, 622 (1964).

"...'interest of justice'..."

Van Dusen v. Barrack, 376 US 612 (1964), states:
"Where a Section 1404(a) transfer is held not to effect a change of state law, but essentially only to authorize a change of federal courtrooms, the provision in Rule 17(b) that the capacity of personal representatives to sue or be sued shall be determined by the law of the State "in which the district court is held" should similarly be interpreted to refer to the law of the State in which the transferor District Court is located."

"...[I]n removal cases, the Federal Court must apply the state law and the state policy."

"Although, as a matter of federal policy, a case may be transferred to a more convenient part of the system, whatever rights the parties have acquired under state law should be unaffected. The case should remain as it was in all respects but location. Headrick v. Atchison, T. & S.F. Ry. Co., 182 F.2d 305..."

"...that both the history and purposes of Section 1404(a) indicate that it should be regarded as a federal judicial housekeeping measure, dealing with the placement of litigation in the federal courts and generally intended, on the basis of convenience and fairness, simply to authorize a change of courtrooms."

Parsons v. Chesapeak & OR Co., 375 US 71 stated:
"A prior state court dismissal on the ground of forum non conveniens can never serve to divest a federal district judge of the discretionary power vested in him by Congress to rule upon a motion to transfer under Section 1404(a)."

"28 USC Section 1404(a) was devised to avoid needless hardship and even miscarriage of justice by empowering district judges to recognize special circumstances calling for special relief. It provides that an action, although begun in a place falling within the normally applicable venue rubic may be sent by the District Court to go forward in another

district much more appropriate when judged by the criteria of judicial justice."

"...the effectiveness of section 1404(a) to insure an appropriate place of trial when the action is begun in an oppressive forum."

28 USC Section 1441
"...original jurisdiction of all civil actions arising under the Constitution, law or treaties of the United States."

www.danataschner.com/diversity_jurisdiction.html, states:
"Diversity jurisdiction is a term used in civil procedure to refer to the situation in which a United States federal court has subject matter jurisdiction to hear a case because the parties are diverse. Article II of the United States Constitution gives the US Congress the power to permit federal courts to hear such cases.

If a case is originally filed in state court, and the diversity and amount in controversy requirements are met, either party may remove the case to federal court, by filing a notice of removal with both the state court in which the case been filed, and the federal court to which it will be transferred.

The United States Supreme Court determined in Erie Railroad Co. v. Tompkins (1938) that the law to be applied in a diversity case would be the law of whatever state the action was filed in."

1. Under the Procedure for Removal, 28 USC Section 1446(a) states:

> "A defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file in the district court of the United States for district and division within such action is pending a notice of removal..."

2. In 1996, Congress provides for remand only within 30 days of removal for "any defect other than lack of subject matter jurisdiction". A remand based on a procedural defect must be made within 30 days of removal. 28 USC Section 1447(c) states:

> "A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a)."

Procedural defects must be raised in a motion to remand within 30 days after removal or they are waived.

3. The notice of removal was filed on May 15, 2008.

4. A motion to remand for procedural defects was not filed. The 30 day statutory requirement was not met. Therefore the Federal Court has subject matter jurisdiction.

5. Appellant is in Nash County, North Carolina. Appellee lives in Montgomery County, Pennsylvania. Appellee is an attorney and works in Philadelphia County, Pennsylvania. The Philadelphia County court system is his playground. Appellee is a committee person in Philadelphia County with strong political connections in Pennsylvania. It is not possible for the Appellant to have a fair trial in the court systems within Pennsylvania.

A jurisdictional rule would require the Appellant's preferred forum. Appellant has not received Due Process in Pennsylvania. Pennsylvania is an inconvenient forum for Appellant. Appellant requests a new trial under the jurisdiction of the Federal Court system for North Carolina.

Issue 5.

Diversity Jurisdiction 28 USC Section 1332
Conspiracy to commit fraud
Breach of trust
Fraud of rights
Preserve Status Quo while pending appeal
Prevent Dissipation of Marital Assets

Supporting Facts and Argument.

Wissner v. Wissner, 338 US 655 (1950) states:

"The husband's earnings are community property. The wife has a vested interest in one-half of such earnings. US v. Malcolm, 282 US 792"

"If the premiums on a policy in a private insurance company had been paid out of community property without wife's consent, the wife could claim her proportionate share of the insurance."

"The nature of this dispute is a claim by the wife that she is the owner of a half portion of these proceeds because such proceeds are the fruits of funds originally hers."

Ridgway v. Ridgway, 454 US 46 (1981) states:

"...this Court's 'only power over state judgments is to correct them to the extent that they incorrectly adjudge federal rights.' Herb v. Pitcairn, 324 US 117, 324 US 125-126 (1945)"

"[s]tate family and family property law must do 'major damage' to 'clear and substantial' federal interests before the Supremacy Clause will demand that state law be overridden..."

"..alimony may not be limited to the amount essential to support the divorced spouse..."

Bellotti v. Baird, 443 US 622, 443 US 633-635 states:

"...fraudulent behavior: attempts 'to divest the wife of any interest in her property' 454 US 59"

Yiatchos v. Yiatchos, 376 US 306 (1964) states:

"...doctrine of fraud as an exception 'to the regulatory imperative'"

"...'was in the fraud of the rights' of the surviving wife, as 'a void endeavor to divest the wife of any interest in her own property.'"

Which grew out of "fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the general community property."

"...having been under a fiduciary duty to manage the community funds for the benefit of the community, '[a] breach of this duty [was] a constructive fraud.'"

"...If that purchase operated to deprive her of her one-half interest in the community property, it is tantamount to a constructive fraud upon the community property, and under Free v. Bland, supra, relief must be granted to the extent of making whole the surviving wife's undivided interest."

Free v. Bland, 369 US 663 (1962), states:
"...all property acquired by either spouse during marriage belongs to the community of the husband and wife. Property purchased with community property retains a community character."

"...breach of trust or conversion of another's property..."

"...any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law must yield."

"...and relief would be available in a case where the circumstances manifest fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the community property."

"Doctrine of fraud applicable under federal law, See, eg., Holmberg v. Armbrecht, 327 US 392; Clearfield Trust Co. v. United States, 318 US 363"

1. In March 2007, Appellee purchased a house in Merion Station, Pennsylvania, titled in his name only, using marital funds and without the consent of Appellant, for $699,000.00. His actions resulted in a breach of trust and a dissipation of marital assets.

2. Appellant desires immediate return of the monies used for the purchase of Appellee's house plus interest lost: $140,000.00 + $28,000.00 = $168,000.00.

3. It appears that Appellee is trying to hide this real estate asset, as the Merion Station property is not listed under "property owned", in his income and expense statement submitted to the Support Master in the support hearing held on February 2008.

4. Appellee gives the appearance of exhibiting fraudulent behavior.

Yiatchos v. Yiatchos, 376 US 306 (1964) states:

"...purchase with community funds...payable to him alone...was in fraud of rights of the respondent wife" and

"...a void endeavor to divest the wife of any interest in her own property..."

"...having been under a fiduciary duty to manage the community funds for the benefit of the community, '[a] breach of this duty [was] a constructive fraud'..."

"...The question to be determined under Free v. Bland, 369 US 663 (1962) is whether...that purchase operated to deprive her of her one-half interest in the community property, it is tantamount to a constructive fraud upon the community property, and, under Free v. Bland, supra, relief must be granted to the extent of making the surviving wife's undivided interest..."

In matters regarding "...breach of trust or conversion of another's property...",
Free v. Bland, 369 US 663 (1962) states:

"...and relief would be available in a case where the circumstances manifest fraud or a breach of trust tantamount thereto on the part of a husband while acting in his capacity as manager of the general community property..."

5. Appellant will be irreparably harmed if the monies used to purchase the house plus interest is not immediately returned.

In addition,

6. On August 17, 2008, Appellee and his father Frank Hing, broke into Appellant's office headquarters in Philadelphia, Pennsylvania and "cleaned out the office". Appellee and his father Frank Hing were caught red handed by the Philadelphia police. The office was secured with a high security deadbolt lock. There is only one key and the Appellant has it.

7. The police report incident DC # is 08-06047534.

8. Appellant has US and international patents pending. Appellee and his father Frank Hing took intellectual property, trade secrets, and confidential information belonging to Appellant's business and third parties, without Appellant's authorization and consent. Appellant and the third parties especially want their confidential information returned forthwith.

9. It appears that this is an attempt to sabotage Appellant's business. Appellant is sole owner, president & CEO, and exclusive officer of Appellant's business.

10. There appears to be a coverup of fraud, as Appellee and his father Frank Hing took Appellant's personal property, including evidence, confidential attorney-client communications, medical reports, files, and court proceeding information from Appellant's office pertinent to this case and to the Violation of the Fair Housing Act complaint filed.

11. Appellee, who is an attorney, gives the appearance of exhibiting fraudulent behavior.

12. Appellant is irreparably harmed by Appellee's actions. Appellant's business is irreparably harmed by Appellee's actions.

13. Appellant requests this Honorable Court to restore the status quo pending the disposition of this appeal, to prevent dissipation of marital assets, to return marital assets that have been dissipated to Appellant, to return all items taken from Appellant's office, forthwith.

14. On August 4, 2008, an EMERGENCY MOTION TO PREVENT DISSIPATION OF MARITAL ASSETS IN THE FORM OF A MOTION FOR SPECIAL RELIEF TO PREVENT SALE OF A CERTAIN REAL ESTATE ASSET, was filed in the United States District Court for the Eastern District of North Carolina, Western Division, regarding a marital asset, comprising a property located at 211-17 North Camac Street, Philadelphia, Pennsylvania. The property was conveyed to Fujian Investment Group on August 25, 2008 for $900,000.00 while this property is pending motion

before the court. Appellant requests this Honorable Court to reverse the dissipation of the marital asset and impose appropriate sanctions against Appellee, Glenn F. Hing, Esquire.

4. Relief Requested

Appellant moves and prays the Honorable Court of Appeals to restore the status quo while pending the disposition of this appeal, to set aside judgments, to grant a new trial with a new judge in a Federal courtroom under the jurisdiction of the Federal Court system for North Carolina using Pennsylvania state law with both parties represented, and impose appropriate sanctions as deemed appropriate.

5. Prior appeals
A. Have you filed other cases in this Court? Yes [ ] No [X]
B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

DATED this 12th day of December, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

CERTIFICATE OF SERVICE

I, certify, that on December 13, 2008 I served a copy of this Informal Brief on all parties, by placing one true and correct copy of said document(s) in first class United States Mail, with postage paid and addressed as shown below:

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

/s/ Eileen Chu Hing
Eileen Chu Hing

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 08-2292
5:08-cv-00210-BO

EILEEN CHU HING,	)	
	)	
Appellant,	)	MOTION FOR TRANSCRIPT AT GOVERNMENT EXPENSE
	)	
vs.	)	
	)	
GLENN F. HING,	)	
	)	

Appellant, Eileen Chu Hing, pro se, moves and prays this Honorable Court for transcript at government expense.

DATED this 12th day of December, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing

Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

CERTIFICATE OF SERVICE

I, certify, that on December 13, 2008 I served a copy of this MOTION FOR TRANSCRIPT AT GOVERNMENT EXPENSE on all parties, by placing one true and correct copy of said document(s) in first class United States Mail, with postage paid and addressed as shown below:

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

/s/ Eileen Chu Hing
Eileen Chu Hing

DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER INTERESTS

Only one form needs to be completed for a party even if the party is represented by more than one attorney. Disclosures must be filed on behalf of all parties to a civil, agency, bankruptcy or mandamus case. Corporate defendants in a criminal or post-conviction case and corporate amici curiae are required to file disclosure statements. Counsel has a continuing duty to update this information.

No. 08-2292 Caption: Eileen Hing v Glenn Hing

Pursuant to FRAP 26.1 and Local Rule 26.1,

Eileen Hing who is Appellant,
(name of party/amicus) (appellant/appellee/amicus)

makes the following disclosure:

1. Is party/amicus a publicly held corporation or other publicly held entity?

No

2. Does party/amicus have parent corporations?

No

If yes, identify all parent corporations, including grandparent and great-grandparent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?

No

If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(b))?

No

If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question)

No

If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding?

No

If yes, identify any trustee and the members of any creditors' committee:

/s/ Eileen Chu Hing (signature) 12/12/08 (date)

FILED: November 21, 2008

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2292, Eileen Hing v. Glenn Hing
5:08-cv-00210-BO

INFORMAL BRIEFING ORDER

This case has been placed on the Court's docket under the above-referenced number, which should be used on papers subsequently filed in this Court.

The case shall proceed on an informal briefing schedule pursuant to Local Rule 34 (b). The **Informal Brief Form** is attached.
Informal briefs shall be served and filed within the time provided in the following schedule. Only the original Informal Brief is required; no copies need be filed unless requested by the Court.

Informal Opening Brief due: 12/15/2008

Informal Response Brief permitted within 17 days of filing Informal Opening Brief (filing of an Informal Response Brief is not required)

Informal Reply Brief permitted within 10 days of filing of Informal Response Brief, if any.

If the Informal Opening Brief is not served and filed within the scheduled time, the case will be subject to dismissal pursuant to Local Rule 45 for failure to prosecute. Extensions of briefing deadlines are not favored by the Court and are granted only for good cause stated in writing.

The Court will not consider issues that are not specifically raised in the Informal Opening Brief. If a transcript is necessary for consideration of an issue, appellant must order the transcript. Parties who qualify to proceed without prepayment of fees and costs may apply for preparation of the transcript at government expense. A motion for transcript at government expense should be filed in the district court in the first instance. A motion for transcript at government expense filed in the Court of Appeals should be filed together with and will be considered in light of the Informal Opening Brief.

The record is filed in the Court of Appeals in informally briefed cases. Therefore, no appendix is necessary. Any party wishing to review the record in the Clerk's office must make advance arrangements to do so.

If appellant was represented by appointed counsel below, counsel's appointment does not continue on appeal unless an order is entered by this Court appointing counsel on appeal. The Court will not appoint counsel or schedule a case for oral argument unless it concludes, after having reviewed the Informal Opening Brief, that the case cannot be

decided on the basis of the informal briefs and the record.

Counsel filing an informal brief on behalf of appellee must also complete and file an Appearance of Counsel form.

Parties in civil and agency appeals must file a Disclosure of Corporate Affiliations within 14 days of the Informal Briefing Order, except that a disclosure statement is not required from the United States, from indigent parties, or from state or local governments in pro se cases.

Parties are responsible for ensuring that social security numbers, juvenile names, dates of birth, and financial account numbers are redacted from any documents filed with the Court and that any sealed materials are filed in accordance with the enclosed Memorandum on Sealed and Confidential Materials.
Attorneys must obtained an Appellate CM/ECF Filer Account, required for any attorney filings as of June 1, 2008, as outlined in the Notice Regarding Implementation of CM/ECF.

/s/ PATRICIA S. CONNOR, CLERK
By: Brian Bain, Deputy Clerk

Copies: Eileen Chu Hing
P.O. Box 8433
Rocky Mount, NC 27804

App. B 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-210-BO

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	NOTICE OF APPEAL
v.	)	
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

Notice is hereby given that Eileen Chu Hing, Plaintiff, in the above named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the judgment from the Order dismissing matter and denying all other pending motions as moot, entered in this action on the 21st day of October 2008.

DATED this 7th day of November, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing

Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

App. B 2

PROOF OF SERVICE

I, Eileen Chu Hing, hereby certify, under penalty of perjury, under the laws of the United States of America, that I am at least 18 years of age, a citizen of the United States of America, and that I personally served the following document(s):

NOTICE OF APPEAL

by placing one true and correct copy of said document(s) in first class United States Mail, with postage paid and properly addressed to the following:

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: November 7th, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-210-BO

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

This matter is before the court on Plaintiff's pro se Motion for Reconsideration relating to this Court's Order to dismiss and remand the instant case on August 8, 2008. While this Court appreciates the Plaintiff's concerns, as the Court stated previously, only a defendant can remove a case to federal court and the case can only be removed to the district court in the state in which the action is pending. 28 U.S.C. § 1441(a). Thus, the court does not have subject matter jurisdiction over this action. Rule 12(h)(3) of the Federal Rules of Civil Procedure directs the court to dismiss any action where subject matter jurisdiction is lacking. Accordingly, the Court DENIES the Plaintiff's

Motion for Reconsideration. This matter is DISMISSED and all other pending motions are DENIED as MOOT.

SO ORDERED, this 21 day of October 2008.

/s/ Terrence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

App. B 5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:08-CV-210-BO

Eileen Chu Hing,	)	
	)	
Plaintiff,	)	
	)	
v.	)	JUDGMENT
	)	
Glenn F. Hing,	)	
	)	
Defendant.	)	
	)	

Decision by Court. This action came before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Reconsideration is DENIED. This matter is DISMISSED and all other pending motions are denied as MOOT. (BOYLE, J)

This Judgment Filed and Entered on October 23, 2008, and Copies To:

Eileen Chu Hing
P.O. Box 8433
Rocky Mount, NC 27804

October 23, 2008 /s/ Dennis P. Iavarone,
Clerk of Court

App. B 6

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	MOTION FOR SANCTIONS
	)	
v.	)	
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

NOW COMES the Plaintiff, Eileen Chu Hing pro se, and moves and prays this Honorable Court to sanction the Defendant, Glenn F. Hing for dissipating a marital asset. In support of this Plaintiff offers the following:

1. On August 4, 2008, an EMERGENCY MOTION TO PREVENT DISSIPATION OF MARITAL ASSETS IN THE FORM OF A MOTION FOR SPECIAL RELIEF TO PREVENT SALE OF A CERTAIN REAL ESTATE ASSET, was filed with this Honorable Court.

2. The marital asset is a property, located at 211-17 North Camac Street.

3. The property was conveyed to Fujian Investment Group on August 25, 2008 for $900,000.00 while this property is pending motion before this Honorable Court. See attached document from the Board of Revision of Taxes (http://brtweb.phila.gov) website.

RELIEF SOUGHT

Plaintiff Eileen Chu Hing respectfully requests that this Honorable Court reverse the dissipation of the marital asset and impose appropriate sanctions against the Defendant, Glenn F. Hing, Esquire.

DATED this 16th day of October, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

App. B 8

VERIFICATION

I, Eileen Chu Hing, hereby verify, under penalty of perjury, under the laws of the United States of America, that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God, pursuant to 28 USC 1746(1). See Supremacy Clause.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: October 16, 2008

App. B 9

http://brtweb.phila.gov/brt.apps/Search/SearchResults.asp?id=2098000211

PROOF OF SERVICE

I, Eileen Chu Hing, hereby certify, under penalty of perjury, under the laws of the United States of America, that I am at least 18 years of age, a citizen of the United States of America, and that I personally served the following document(s):

MOTION FOR SANCTIONS

by placing one true and correct copy of said document(s) in first class United States Mail, with postage paid and properly addressed to the following:

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: October 16, 2008

App. B 11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	) EMERGENCY
	) MOTION TO RESTORE
	) STATUS QUO WHILE
	) CASE IS
vs.	) PENDING
	)
GLENN F. HING,	)
	)
Defendant.	)
	)

Pursuant to 28 USC Section 1332, Plaintiff Eileen Chu Hing, pro se, respectfully moves this court to enter an Order to restore status quo while case is pending, as Plaintiff Eileen Chu Hing's office headquarters in Philadelphia PA was burglarized by Defendant Glenn F. Hing and his father Frank Hing on Sunday, August 17, 2008, forthwith. It appears there is an issue of fraud as more fully appears in the attached Formal Complaint Against Defendant Glenn F. Hing's parents, Frank and Lai Wah Hing, in Violation of the Fair Housing Act filed.

1. Petitioner herein is Plaintiff Eileen Chu Hing.

2. Respondent herein is Defendant Glenn F. Hing.

3. The parties herein were married on October 5, 1985.

4. The parties herein are separated and a Complaint in Divorce was filed in August 2004.

5. On August 17, 2008, Defendant Glenn F. Hing and his father Frank Hing, broke into Plaintiff Eileen Chu Hing's office headquarters at 211 North Camac Street, Philadelphia, PA and "cleaned out the office". Glenn F. Hing and his father Frank Hing were caught red handed by the Philadelphia police. The office was secured with a high security deadbolt lock. There is only one key and Plaintiff Eileen Chu Hing has it.

6. The police report incident DC # is 08-06-047534. Officer Sweeney from the 6th District, 235 North 11th Street, Philadelphia, PA was the police officer who was there at the scene.

7. Plaintiff Eileen Chu Hing has US and international patents pending. Frank and Glenn Hing took intellectual property, trade secrets, and confidential information belonging to Plaintiff's business and third parties, without Plaintiff's authorization and consent. Plaintiff and the third parties especially want their confidential information returned forthwith.

8. It appears that this is an attempt to sabotage the Plaintiff's business. The Plaintiff Eileen Chu Hing is 100% owner, president & CEO, and exclusive officer of Plaintiff's business.

9. There appears to be a coverup of fraud, as Defendant Glenn Hing and Defendant's father Frank Hing took Plaintiff Eileen Chu Hing's personal property, including, evidence, confidential attorney-client communications, medical reports, files, and court proceeding information from Plaintiff's office pertinent to this case.

10. The Defendant Glenn F. Hing, who is an attorney, gives the appearance of exhibiting fraudulent behavior.

11. The Plaintiff Eileen Chu Hing is irreparably harmed by Defendant Glenn F. Hing's actions. The Plaintiff's business is irreparably harmed by Defendant Glenn F. Hing's actions.

12. The Plaintiff requests this Honorable Court to restore the status quo while the case is pending, as follows:

I. Defendant Glenn F. Hing is ordered to return all items taken from the Plaintiff's office forthwith.

and

II. To grant the emergency orders pending in your Honorable Court, such that:

A. Defendant Glenn F. Hing is ordered not to liquidate the marital real estate asset, 211 North Camac Street, Philadelphia PA 19107, until the divorce settlement is finalized, forthwith.

and

B. Defendant Glenn F. Hing is ordered that the marital funds used to purchase his house in the sum of $XXXXXXX be returned to the Plaintiff Eileen Chu Hing forthwith.

As further support of this motion, there is an ex parte domestic violence order of protection for Petitioner Eileen Chu Hing against Defendant Glenn F. Hing, case number 08CVD1843, General Court of Justice District Court Division, Nash County, North Carolina.

A copy of the proposed of the proposed order is filed with this motion.

WHEREFORE, Plaintiff Eileen Chu Hing, respectfully requests this Honorable Court to enter an Order to restore the status quo while the case is pending forthwith.

DATED this 22nd day of August, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Emergency Motion to Restore Status Quo While Case is Pending, and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: August 22, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	) [PROPOSED]
	) ORDER GRANTING
Plaintiff,	) PLAINTIFF'S
	) EMERGENCY MOTION
	) TO RESTORE
	) STATUS QUO
vs.	) WHILE CASE IS
	) PENDING
	)
GLENN F. HING,	)
	)
Defendant.	)
	)

THIS MATTER is before the Court on Plaintiff Eileen Chu Hing's Emergency Motion to Restore Status Quo While Case is Pending, Defendant's Response, if any, and the pleadings and the file in this matter, and being fully advised in the premises,

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff's Emergency Motion to

Restore Status Quo While Case is Pending is GRANTED.

1. Defendant Glenn F. Hing is ordered to return all items taken from the Plaintiff Eileen Chu Hing's office forthwith.

2. Defendant Glenn F. Hing is ordered not to liquidate the marital real estate asset, 211 North Camac Street, Philadelphia PA 19107, until the divorce settlement is finalized, forthwith.

3. Defendant Glenn F. Hing is to return $XXXXXXX in a check or money order payable to Plaintiff Eileen Chu Hing forthwith.

DATED IN OPEN COURT this _____ day of _____, 2008.

_____

Honorable

Presented by:

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	MOTION FOR
	)	RECONSIDERATION
	)	
vs.	)	
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

NOW COMES the Plaintiff, Eileen Chu Hing pro se, and moves and prays this honorable court to reconsider its Order to dismiss and remand filed on July 28, 2008, pursuant to Federal Rules of Civil Procedure 59(e). In support of this Plaintiff offers the following:

1. Under the Procedure for Removal, 28 USC Section 1446(a) states:

> "A defendant or defendants desiring to remove any civil action or criminal prosecution from a state court shall file in the district court of the United States for

> district and division within such action is pending a notice of removal..."

2. In 1996, Congress provides for remand only within 30 days of removal for "any defect other than lack of subject matter jurisdiction". A remand based on a procedural defect must be made within 30 days of removal. 28 USC Section 1447(c) states:

> "A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a)."

Procedural defects must be raised in a motion to remand within 30 days after removal or they are waived.

3. The notice of removal was filed on May 15, 2008.

4. The Honorable Judge Boyle raised issues pertaining to procedural defects in the removal, as the Plaintiff is not an attorney and desired to move the case to North Carolina for a fair trial.

5. A jurisdictional rule would require the Plaintiff's preferred forum. Plaintiff has not received Due Process in Pennsylvania. In addition, it is an inconvenient forum for Plaintiff.

RELIEF SOUGHT

Plaintiff Eileen Chu Hing respectfully requests that this honorable Court now reconsider its Order to dismiss and remand dated July 28, 2008.

DATED this 4th day of August, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

App. B 22

VERIFICATION

I, Eileen Chu Hing, hereby verify, under penalty of perjury, under the laws of the United States of America, that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God, pursuant to 28 USC 1746(1). See Supremacy Clause.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: August 4, 2008

PROOF OF SERVICE

I, Eileen Chu Hing, hereby certify, under penalty of perjury, under the laws of the United States of America, that I am at least 18 years of age, a citizen of ONE OF the United States of America, and that I personally served the following document(s):

MOTION FOR RECONSIDERATION

by placing one true and correct copy of said document(s) in first class United States Mail, with postage paid and properly addressed to the following:

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: August 4, 2008

App. B 24

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	) EMERGENCY
	) MOTION TO PREVENT
	) DISSIPATION OF
	) MARITAL ASSETS
vs.	) IN THE FORM OF A
	) MOTION FOR
	) SPECIAL RELIEF TO
	) PREVENT
GLENN F. HING,	) SALE OF A CERTAIN
	) REAL ESTATE
	) ASSET
Defendant.	)
	)

Pursuant to 28 USC Section 1332, Plaintiff Eileen Chu Hing, pro se, respectfully moves this court to enter an Order compelling Defendant Glenn F. Hing, from selling a certain real estate asset, 211 North Camac Street, Philadelphia PA 19107, forthwith, to prevent dissipation of marital assets as more fully appears in the attached Affidavit to Prevent Dissipation of Marital Assets filed.

1. Petitioner herein is Plaintiff Eileen Chu Hing.

2. Respondent herein is Defendant Glenn F. Hing.

3. The parties herein were married on October 5, 1985.

4. The parties herein are separated and a Complaint in Divorce was filed in August 2004.

5. In February 1990, the parties, Glenn F. Hing and Eileen Chu Hing, purchased 211-21 North Camac Street, Philadelphia, PA with marital funds. The property comprised of a warehouse, a loading dock, and two townhouses.

6. The Defendant Glenn F. Hing, a real estate attorney, who handled the real estate transaction for Eileen Chu Hing, titled the 211 North Camac Street property to Frank, Glenn, and Linda Hing, his father, the defendant, and his sister, respectively.

7. The two townhouses have been subsequently sold, from which the Plaintiff Eileen Chu Hing is still owed money from the sale.

8. The Plaintiff Eileen Chu Hing's established 211 North Camac Street as her office headquarters since 2002.

9. The Defendant Glenn F. Hing has made numerous threats to sell the 211 North Camac Street property since 2004. The last threat was dated July 2008.

The Defendant Glenn F. Hing gives the appearance of exhibiting fraudulent behavior.

Yiatchos v. Yiatchos, 376 US 306 (1964) states:

"...purchase with community funds...payable to him alone....was in fraud of rights of the respondent wife" and

"...a void endeavor to divest the wife of any interest in her own property..."

"...having been under a fiduciary duty to manage the community funds for the benefit of the community, '[a] breach of this duty [was] a constructive fraud'..."

"...The question to be determined under Free v. Bland, 369 US 663 (1962) is whether...that purchase operated to deprive her of her one-half interest in the community property, it is tantamount to a constructive fraud upon the community property, and, under Free v. Bland, supra, relief must be granted to the extent of making the surviving wife's undivided interest..."

In matters regarding "...breach of trust or conversion of another's property...",
Free v. Bland, 369 US 663 (1962) states:

"...and relief would be available in a case where the circumstances manifest fraud or a breach of trust tantamount thereto on the part of a husband while

acting in his capacity as manager of the general community property..."

10. The Plaintiff will be irreparably harmed if the 211 North Camac Street real estate asset is sold before the divorce settlement is finalized.

11. The Plaintiff requests this Honorable Court to compel the Defendant Glenn F. Hing from liquidating the 211 North Camac Street real estate asset before the divorce settlement is finalized forthwith.

As further support of this motion, the affidavit to prevent dissipation of marital assets is attached hereto.

A copy of the proposed of the proposed order is filed with this motion.

WHEREFORE, Plaintiff Eileen Chu Hing, respectfully requests this Honorable Court to enter an Order to prevent the sale of the 211 North Camac Street, Philadelphia PA 19107 forthwith.

DATED this 7th day of July, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing

Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	AFFIDAVIT TO
	)	PREVENT
	)	DISSIPATION OF
	)	MARITAL ASSETS
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

STATE OF NORTH CAROLINA
COUNTY OF NASH

I, Eileen Chu Hing, being duly sworn according to law, depose and say that I am a competent adult over 18 years of age; that I believe that Glenn F. Hing has dissipated marital assets without my consent and the grounds for Plaintiff's belief are the following facts:

1. In March 2007, Glenn F. Hing purchased a $XXXXXXX house using marital assets without Plaintiff's consent. Glenn F. Hing has admitted to

Plaintiff that he used marital assets in this purchase.

2. The exhibit titled "Main Line real estate transactions | Philadelphia Inquirer | XXXXXXX" is the web page showing in Montgomery County, XXXXXXX, that title for the XXXXXXXXXXX property was transferred from XXXXXXX to Glenn F Hing for $XXXXXXX. Plaintiff printed this web page from "http://www.philly.com/inquirer/real_estate/pa_transactionsXXXXXXX_Main_Line_real_estate_tranactio...".

3. The exhibit titled "Homes for Sale in XXXXXXX, Pennsylvania $XXXXXXX" is the web page displaying the details of the XXXXXXXXXXX property. Plaintiff printed this web page from "http://www.ellisalofton.com/XXXXXXX/Pennsylvania/Homes/XXXXXXX/XXXXXXX/Agent/Listing_XXXX..."

4. The exhibit titled "In the Court of Common Pleas of Philadelphia County Pennsylvania, Income and Expense Statement" is Glenn F. Hing's Income and Expense submitted to the Support Master at the Support hearing held on February 14, 2008. Note that the XXXXXXXXXXX property is not listed under the Real Estate section.

5. Glenn F. Hing is a real estate attorney and has been acting in his capacity as manager of the general community property throughout the

marriage. Glenn F. Hing put most of the marital assets under his name.

6. Glenn F. Hing's actions exhibit the appearance of fraud and a breach of trust in his attempt to divest Plaintiff of any interest in her own property.

Wherefore, Plaintiff respectfully requests that Glenn F. Hing be ordered the immediate return of the marital assets, comprising $XXXXXXX, used to purchase his $XXXXXXX house to Plaintiff.

/s/ Eileen Chu Hing
Eileen Chu Hing

Sworn to and subscribed by
me this 7th day of July, 2008.

_____
Notary Public

My commission expires _____

App. B 32

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	)
	) VERIFICATION OF
vs.	) AFFIDAVIT TO
	) PREVENT
	) DISSIPATION OF
	) MARITAL ASSETS
GLENN F. HING,	) AND APPLICATION
	)
Defendant.	)
	)

STATE OF NORTH CAROLINA
COUNTY OF NASH

Before me, the undersigned authority, personally came and appeared the affiant named below, who being first duly sworn upon oath, deposed and said that she has read the above and foregoing documents and knows the contents thereof, and that all statements of fact contained therein are true.

This is the 7th Day of July 2008,
/s/ Eileen Chu Hing
Eileen Chu Hing

Sworn to and subscribed by
me this 7th day of July, 2008.

_____

Notary Public

My commission expires _____

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies, and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: August 4, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	) [PROPOSED] ORDER
	) GRANTING
Plaintiff,	) PLAINTIFF'S
	) EMERGENCY MOTION
	)TO PREVENT
	) DISSIPATION OF
vs.	) MARITAL ASSETS IN
	) THE FORM OF
	) A MOTION FOR
	) SPECIAL RELIEF TO
GLENN F. HING,	) COMPEL
	) COOPERATION AND
	) COMPLIANCE FOR
	) TRANSFER OF
Defendant.	) MONIES
_____	)

THIS MATTER is before the Court on Plaintiff Eileen Chu Hing's Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies. The Court, having considered Plaintiff's Emergency Motion to

Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperaton and Compliance for Transfer of Monies, Defendant's Response, if any, and the pleadings and the file in this matter, and being fully advised in the premises,

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff's Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies is GRANTED.

1. Defendant Glenn F. Hing is to return $XXXXXXX in a check or money order payable to Plaintiff Eileen Chu Hing forthwith.

DATED IN OPEN COURT this _____ day of _____, 2008.

_____

Honorable

Presented by:

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-210-BO

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

This matter is before the court on Plaintiff's pro se motions to file documents under seal. Plaintiff's case was originally filed in the Superior Court of Pennsylvania in Philadelphia County. Plaintiff filed a Notice of Removal to have the case removed from state court in Pennsylvania to federal court in the Eastern District of North Carolina. Removal from state court to federal court is permitted where "the district courts of the United States have original jurisdiction," 28 U.S.C. § 1441(a), however, there are important limitations to removal. Relevant to the matter here, only a defendant can remove a case to federal court and the case can only be removed to the district court in the state in which the action is pending. Id. Thus, the court does not have subject matter jurisdiction over

this action. Rule 12(h)(3) of the Federal Rules of Civil Procedure directs the court to dismiss any action where subject matter jurisdiction is lacking. Accordingly, this matter is DISMISSED and REMANDED back to the Pennsylvania state court.

SO ORDERED, this 22 day of July 2008.

/s/ Terrence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

I certify the foregoing to be true and correct
Copy of the original.
Dennis P. Iavarone, Clerk
United States District Court
Eastern District of North Carolina

By /s/ Dennis Iavarone
Deputy Clerk

App. B 39

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:08-CV-210-BO

Eileen Chu Hing,	)	
	)	
Plaintiff,	)	
	)	
v.	)	JUDGMENT
	)	
Glenn F. Hing,	)	
	)	
Defendant.	)	
	)	

Decision by Court. This action came before the Court. The issues have been tried and a decision has been rendered.

IT IS ORDERED, ADJUDGED AND DECREED that the Court lacks subject matter jurisdiction and the case is DISMISSED and REMANDED back to the Pennsylvania state court. (BOYLE, J)

This Judgment Filed and Entered on July 29, 2008 and Copies To:

Eileen Chu Hing
P.O. Box 8433
Rocky Mount, NC 27804

Ned Hark
7716 Castor Avenue
Philadelphia, PA 19152

Superior Court of Pennsylvania
530 Walnut Street
Suite 315
Philadelphia, PA 19106

July 29, 2008 /s/ Dennis P. Iavarone,
Clerk of Court

I certify the foregoing to be true and correct
copy of the original
Dennis P. Iavarone, Clerk
United States District Court
Eastern District of North Carolina

By /s/ Dennis Iavarone
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	)
	)
	)
vs.	) MOTION TO FILE
	) EMERGENCY
	) MOTION, AFFIDAVIT,
	) AND EXHIBITS
GLENN F. HING,	) UNDER SEAL
	)
Defendant.	)
	)

Pursuant to Federal Rule of Civil Procedure 5, Plaintiff Eileen Chu Hing, respectfully moves this court for permission to file the emergency motion to prevent dissipation of marital assets in the form of a motion for special relief to compel cooperation and compliance for transfer of monies, affidavit to prevent dissipation of marital assets, together with any exhibits thereto under seal. Filing these documents under seal is justified because the public's right of access is outweighed by the interests of the public and the parties in protecting the documents from public view.

The pleadings contain confidential financial information and relate to confidential personal information of the parties and the parties' minor children, which is private and sensitive in nature and should not be accessible to the general public electronically or otherwise. The parties may be adversely affected if such information is disclosed to the public because of security concerns regarding identity theft and personal safety reasons of all the parties involved.

Plaintiff respectfully requests that its documents described above be filed under seal. A copy of the proposed of the proposed order is filed with this motion.

DATED this 7th day of July, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH
CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	)
	)
	)
vs.	) [PROPOSED] ORDER
	) GRANTING
	) PLAINTIFF'S MOTION
	) TO FILE
GLENN F. HING,	) EMERGENCY MOTION,
	) AFFIDAVIT,
	) AND EXHIBITS UNDER
	) SEAL
Defendant.	)
	)

THIS MATTER is before the Court on Plaintiff Eileen Chu Hing's Motion to File the Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies, Affidavit to Prevent Dissipation of Marital Assets, together with any Exhibits thereto Under Seal. The Court, having considered Plaintiff's Motion to File the Emergency Motion to Prevent

Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies, Affidavit to Prevent Dissipation of Marital Assets, together with any Exhibits thereto Under Seal, Defendant's Response, if any, and the pleadings and the file in this matter, and being fully advised in the premises,

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff's Motion to File the Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies, Affidavit to Prevent Dissipation of Marital Assets, together with any Exhibits thereto Under Seal is GRANTED. The following documents will be filed under seal:

1. Plaintiff's Emergency Motion to Prevent Dissipation of Marital Assets in the Form of a Motion for Special Relief to Compel Cooperation and Compliance for Transfer of Monies

2. Affidavit to Prevent Dissipation of Marital Assets, together with any Exhibits thereto

DATED IN OPEN COURT this _____ day of _____, 2008.

_____

Honorable

Presented by:

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

This case comes before the Court upon pro se Plaintiff's motion to seal [DE-4]. This motion is DENIED because it fails to abide by Rule 7.1(d) of the Local Civil Rules.

DONE AND ORDERED in Chambers at Raleigh, North Carolina this 17th day of June, 2008.

/s/ William A. Webb
William A. Webb
U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-212-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	)
	)
	)
vs.	) MOTION TO FILE
	) CERTAIN
	) DOCUMENTS UNDER
	) SEAL
GLENN F. HING,	)
	)
Defendant.	)
	)

Pursuant to Federal Rule of Civil Procedure 5, Plaintiff Eileen Chu Hing, respectfully moves this court for permission to file the application to proceed without prepayment of fees and affidavit, together with any attachments thereto under seal. Filing these documents under seal is justified because the public's right of access is outweighed by the interests of the public and the parties in protecting the documents from public view.

The pleadings contain confidential financial information and relate to confidential personal

information of the parties and the parties' minor children, which is private and sensitive in nature and should not be accessible to the general public electronically or otherwise. The parties may be adversely affected if such information is disclosed to the public because of security concerns regarding identity theft and personal safety reasons of all the parties involved.

Defendant respectfully requests that its documents described above be filed under seal.

A copy of the proposed of the proposed order is filed with this motion.

DATED this 3rd day of July, 2008.

Respectfully submitted,

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-212-BO(3)

EILEEN CHU HING,	)
	)
Plaintiff,	)
	)
	)
vs.	) [PROPOSED] ORDER
	) GRANTING
	) PLAINTIFF'S MOTION
	) TO FILE
GLENN F. HING,	) CERTAIN DOCUMENTS
	) UNDER SEAL
	)
Defendant.	)
	)

THIS MATTER is before the Court on Plaintiff Eileen Chu Hing's Motion to File Certain Documents Under Seal. The Court, having considered Plaintiff's Motion to File Certain Documents Under Seal, Defendant's Response, if any, and the pleadings and the file in this matter, and being fully advised in the premises,

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff's Motion to File Certain

Documents Under Seal is GRANTED. The following documents will be filed under seal:

1. Plaintiff's Application to Proceed without Prepayment of Fees and Affidavit

DATED IN OPEN COURT this _____ day of _____, 2008.

_____

Honorable

Presented by:

By: /s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:08-CV-210-BO(3)

EILEEN CHU HING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
GLENN F. HING,	)	
	)	
Defendant.	)	
	)	

This case comes before the Court upon Plaintiff's application to proceed in forma pauperis [DE-1]. For the reasons stated herein, Plaintiff's application [DE-1] is denied.

The Supreme Court first set forth its standard for the determination of in forma pauperis in Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331 (1948). It held: "[w]e think an affidavit is sufficient which states that one cannot because of his poverty pay or give security for costs ... And still be able to provide himself and dependents with the necessities of life." Id. At 339; Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 203 (1993).

In this case, Plaintiff asserts that she is currently employed, although she states that her current salary is "$XXXXXXX" However, she also notes that she recently "cashed out" an IRA valued at $XXXXXXX. Likewise, she owns stock valued at $XXXXXXX and cash or checking or savings accounts in the amount of $XXXXXXX. She also owns a [sic] automobile unencumbered, although she failed to provide the exact value of the vehicle. Based on this information, Plaintiff has failed to demonstrate sufficient evidence indicating that payment of the required court costs would deprive her of the "necessities of life." See Adkins, Rowland, supra.

In accordance with Local Civil Rule 3.2, Plaintiff shall be allowed thirty (30) days to pay the requisite filing fee. If Plaintiff fails to pay the filing fee, the clerk shall redesignate the action as a miscellaneous case and close the matter without further order from the Court.

DONE AND ORDERED in Chambers at Raleigh, North Carolina this 8th day of May, 2008.

/s/ William A. Webb
William A. Webb
U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-210-BO(3)

EILEEN CHU HING,

Plaintiff,

vs.

GLENN F. HING,

Defendant.

Motion to Seal

1. Plaintiff requests to seal the confidential personal records, ie., tax returns, financial information, dependent information, etc., from being posted on the Internet, because of security concerns regarding identity theft and personal safety reasons.

Respectfully submitted,

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: May 22, 2008

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Motion to Seal and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: May 22, 2008

STATE OF PENNSYLVANIA
PHILADELPHIA COUNTY
(C.C.P. Philadelphia County
8458; August Term, 2004)
No. 3010 EDA 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

EILEEN CHU HING, Plaintiff

VS

GLENN F. HING

SPECIAL APPEARANCE ON NOTICE OF REMOVAL

TO: THE ABOVE NAMED COURT

I, Eileen Chu Hing, pro se, in a special appearance, has requested that this case be removed

to the United States District Court for the Eastern District of North Carolina pursuant to Diversity Jurisdiction 28 U.S.C. Section 1332.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804
215.385.0239
Dated: May 5, 2008

Eileen Chu Hing	:	IN THE SUPERIOR
	:	COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	(C.P. Phila. Cnty.
Glenn F. Hing	:	No. 8458
	:	August Term, 2004)
	:	
	:	No. 3010 EDA 2007
	:	Filed: June 11, 2008

O R D E R

Appellant has filed a motion for clarification of this Court's April 11, 2008 order, see **Hing v. Hing**, No. 3010 EDA 2007 (Pa. Super. Apr. 11, 2008), denying her motion for leave to proceed in forma pauperis without prejudice to seek the requested relief in the trial court. Appellant avers that she had already requested said relief and that it was denied.

Review of the certified record indicates neither the filing of a motion to proceed in forma pauperis nor a denial of such a motion. Consequently, the motion for clarification is **DENIED**. However, the trial court opinion indicates that "[Appellant] has failed to comply with Pa.R.App. 1911 to order and pay for any transcripts connected with this Appeal." **Hing v. Hing**, No. 8458 August Term, 2004, p.3 (C.P. Phila. Cnty. Jan 7, 2008).

Accordingly, appellant is directed to show cause as to the basis of this Court's jurisdiction over this matter. See Pa.R.A.P. 1911(a), (d); see also **Commonwealth v. Murchison**, 899 A.2d 1159 (Pa. Super. 2006); **Smith v. Smith**, 637 A.2d 622 (Pa. Super. 1993), appeal denied, 652 A.2d 1325 (Pa. 1994); **Gorniak v. Gorniak**, 504 A.2d 1262 (Pa. Super. 1986). This statement is due within 10 days of the date of this order. Failure to respond to this Court's directives may result in the dismissal of this appeal without further notice.

Per Curiam

App. C 3

Eileen Chu Hing	:	IN THE SUPERIOR
	:	COURT OF
	:	PENNSYLVANIA
	:	
V.	:	
	:	(C.P. Phila. Cnty.
Glenn F. Hing	:	No. 8458
	:	August Term, 2004)
	:	
	:	No. 3010 EDA 2007
	:	Filed: May 7, 2008

O R D E R

Appellant's motion for allowance of appeals is **DENIED**.

Appellant's motion for recusal is **DENIED**.

Per Curiam

STATE OF PENNSYLVANIA PHILADELPHIA COUNTY (C.C.P. Philadelphia County 8458; August Term, 2004) No. 3010 EDA 2007	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA

EILEEN CHU HING, Plaintiff

VS

GLENN F. HING

SPECIAL APPEARANCE ON NOTICE OF REMOVAL

TO: THE ABOVE NAMED COURT

I, Eileen Chu Hing, pro se, in a special appearance, has requested that this case be removed to the United States District Court for the Eastern District of North Carolina pursuant to Diversity Jurisdiction 28 U.S.C. Section 1332.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804
215.385.0239
Dated: May 5, 2008

App. C 6

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004
VS	
GLENN F. HING	No. 3010 EDA 2007

Special Appearance on Motion for Clarification on the Order dated April 11, 2008

1. Appellant requests clarification on the order dated April 11, 2008, regarding IFP. The Appellant has already requested relief in the trial court for IFP. It was denied in trial court.

A copy of the order is attached for your convenience.

Respectfully submitted,

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: April 18, 2008

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Special Appearance on Motion for Clarification on the Order dated April 11, 2008 and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: April 18, 2008

App. C 9

Eileen Chu Hing	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
	:	
V.	:	
	:	(C.P. Phila. Cnty.
Glenn F. Hing	:	No. 8458
	:	August Term, 2004)
	:	
	:	No. 3010 EDA 2007
	:	Filed: April 11, 2008

ORDER

Appellant second motion for an extension of time within which to file her brief is GRANTED. Appellant's brief shall be filed on or before June 9, 2008.

Appellant's motion for temporary alimony is DENIED.

Appellant's motion for leave to proceed in forma pauperis is DENIED without prejudice to her right to seek requested relief in the trial court. See Pa.R.A.P. 552, 553.

Appellant's special appearance and motion to dismiss the judgments in the trial court is DENIED.

Per Curiam

App. C 10

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Special Appearance on Motion to Recuse Judge Robert J Matthews and Setaside Judgments Due to the Appearance of Personal Bias and Prejudice

Appellant Eileen Chu Hing, pro se, in a special appearance, pursuant to the Pennsylvania Rules of Civil Procedure, moves this Court to recuse the Honorable Robert J Matthews and setaside judgments rendered from the lower court for the reasons that the said judge has the appearance of bias and prejudice against the Appellant, all as more fully appears in the attached Affidavit of the Appearance of Personal Bias and Prejudice filed.

Wherefore, Appellant respectully moves and prays that the Honorable Robert J Matthews remove and disqualify himself as judge, setaside judgments, and purge the record of the effects of the judge's bias.

Grounds for this motion are listed as follows:

1. The question is not whether the Honorable Robert J Matthews is impartial in fact, but rather whether reasonable men might question his impartiality under all circumstances. (United States v. Gigax, 605 F .2d 507 (10th Cir. 1979)).

"...if a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed..."

The Supreme Court said:
"...Once facts have been set forth that create a reasonable inference of a 'bent of mind' that will prevent the judge from dealing fairly with the party seeking recusal, it is incumbent upon the trial judge to recuse himself..."

28 U.S.C. Section 144 provides as follows:
"...Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding..."

28 U.S.C. Section 455 further provides:

"...(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding..."

"...In determining whether a judge should recuse under Section 455(a), the issue is not whether the judge is impartial in fact, but rather, whether a reasonable man might question his impartiality under all circumstances...SCA Services, Inc. v. Morgan, 557 F .2d 110 (7th Cir. 1977)." United States v. Gigax, 605 F .2d 507, 510 (10th Cir. 1979).

"...enunciates the appearance of partiality as the general standard of judicial recusal..." SCA Services, Inc. V. Morgan, 557 F .2d 110, 116 (7th Cir. 1977) (Section 455(a)).

"...justice must satisfy the appearance of justice..." Offut v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13, 99 L. Ed. 11 (1954) (emphasis added).

"... Our concern is with the fair administration of justice...The record is persuasive that, instead of representing the impersonal authority of law, the trial judge permitted himself to become personally embroiled with the petitioner. There was an intermittently continuous wrangle on an unedifying

level between the two. For one reason or another, the judge failed to impose his moral authority upon the proceedings. His behavior precluded that atmosphere of austerity...Such an atmosphere will also make for dispatch insofar as is consonant with a fair trial..."

2. If a judge's conduct or appearance in the trial of a case does not comport with the appearance of justice, the conviction must be reversed. Berger v. United States, 255 U.S. 22 (1921); United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976). Nonetheless, charges of misconduct or prejudice leveled at trial judges "should not be lightly made and, once made, should not be casually treated by a reviewing court." United States v. Cardall, 550 F .2d 604, 606 (10th Cir. 1976), cert. denied, 434 U.S. 841 (1977).

"...conviction reversed because judge's conduct cast a serious shadow on the appearance of justice..." United States v. Brown, 539 F .2d 467, 469-70 (5th Cir. 1976).

"...A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness...Circumstances and relationships must be considered. This Court has said, however, that 'Every procedure which would offer a possible temptation to the average man as a judge...not to hold the balance nice, clear, and true between the

State and the accused, denies the latter due process of law.'..." Turney v. Ohio, 273 U.S. 510, 532 (47 S. Ct. 437, 444, 71 L. Ed. 749).

3. In analysis of Judge Robert J Matthews's unfair and prejudicial rulings, actions, and statements, his continued role in this litigation now raises substantial concerns regarding the appearance of impartiality. The judge's unfair and prejudicial rulings, actions, and statements did not comport with the appearance of justice, and it cannot be said from the record alone that Appellant received a fair trial. The judge must be removed from presiding over the hearings or trials in this particular matter because he has shown the appearance of bias, prejudice, or interest in the outcome of the proceedings, so that the judgments rendered and effected by Judge Robert J Matthews are null and void, and the record of the effects of the judge's bias purged.

As further support of this motion, the affidavit of appearance of personal bias and prejudice is attached hereto.

Respectfully submitted,

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: April 11, 2008

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Special Appearance on Motion to Recuse Judge Robert J Matthews and Setaside Judgments Due to the Appearance of Personal Bias and Prejudice, and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: April 11, 2008

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

AFFIDAVIT OF APPEARANCE OF PERSONAL BIAS AND PREJUDICE

STATE OF NORTH CAROLINA
COUNTY OF NASH

I, Eileen Chu Hing, being duly sworn according to law, depose and say that I am a competent adult over 18 years of age; that I believe that the Honorable Robert J Matthews has an appearance of personal bias and prejudice against Appellant, Eileen Chu Hing, in this matter and the grounds for Appellant's belief are the following facts:

1. Appellant has not received a fair trial in lower court.

2. The judge has been unnecessarily harsh on Appellant in this matter. The lower court has imposed such impossible financial burdens on Appellant and unforgivable emotional distress on Appellant's children.

3. The judge's actions and statements gave the appearance of personal bias and prejudice, from which a sampling is listed as follows:

(a.) The judge's incessant acrimonous loud yelling at Appellant is a common occurrence during his proceedings. In contrast, the judge does not yell at Appellee. There appears to be a conflict of interest, as Appellee is a practicing attorney in Philadelphia County and a Philadelphia City Commissioners Voter Registration Committee Person.

(b.) During the initial support hearing, the judge interrupted the hearing with a phone call to Master Juanita Holden in the courtroom. It appeared to be for no apparent reason other than to tarnish Appellant's reputation, because Master Juanita Holden gave Appellant a dirty look after the phone call.

(c.) In August 2006, Ned Hark, Appellee's attorney, failed to show up for a hearing. The judge would not conduct the hearing without him and made Appellant wait two hours that morning, so he could schedule a telephone conference call hearing for that day. Conversely, the judge does not call

Appellant to participate in a telephone conference call hearing when Appellant does not appear for a hearing.

(c.) The judge made references to what his dead assistant, Mary, told him, and used the disputed evidentiary information against Appellant during the proceedings.

(d.) In the November 2007 proceeding, the judge insisted that Appellant was an attorney and refused to accept the fact that she was not an attorney!

3. The judge made unfair and prejudicial rulings, from which a sampling is listed as follows:

(a.) The judge ruled against Appellant on the return of marital funds that were taken out before the separation date and several months before the divorce was filed.

(b.) The judge penalized Appellant with adverse rulings for not filing joint tax returns, even though Appellant did not receive half the income.

(c.) The judge ruled for no support whatsoever for Appellant.

(d.) From 2004 to 2006, the support hearings were delayed with continuous cancellations and postponements. The first support hearing was heard in the Spring 2006, nearly two years after the

divorce filing! As of April 2008, the three years of back child support is still outstanding and continues to be unresolved by the lower court.

(e.) The first custody hearing was cancelled in October 2004 and not heard until December 2005. The judge granted primary physical custody of the children to Appellee because he said that Appellant, at that time, was being evicted from her marital home by Appellee's parents and did not secure a place to live. Appellant came back with a lease to an apartment and asked the judge to grant primary physical custody to Appellant, which he denied. The judge also ruled an overly restrictive visitation schedule for Appellant: two days a week with no overnights.

(f.) In a subsequent custody hearing, the judge would not allow Appellant's daughter to testify, nor take her testimony in his chambers, that she wanted to live with her mother. Instead, the judge made Appellant's daughter wait outside of the courtroom. What was most disturbing was that she could hear the judge yelling at her mother from where she was sitting.

(g.) The judge ruled for Appellant to give Appellant's car to the Appellee, even though the Appellee had two cars: a BMW convertible and a brand new Infiniti.

(h.) At one of the numerous ex parte hearings, the judge granted Appellee's request for bifurcation, which is extremely unusual and questionable.

(i.) For the November 2007 proceeding, the judge granted a denovo trial and would not allow Appellant to present witnesses nor exhibits on Appellant's behalf, but allowed Appellee to do so.

(j.) At the November 2007 hearing, Appellant was denied attorney's fees because the judge stated that she was an attorney! He allowed her counsel to dump Appellant at that hearing because Appellant could not provide $10,000.00 in cash within two hours. The judge would not allow a continuance. Appellant was completely unprepared at this hearing.

Wherefore, Appellant respectfully requests that the Honorable Robert J Matthews be disqualified from this matter, the judgments rendered and effected by Judge Robert J Matthews nullified and voided, and the record of the effects of the judge's bias purged.

/s/ Eileen Chu Hing
Eileen Chu Hing

Sworn to and subscribed by
me this 11th day of April, 2008.

/s/ Katherine Painter
Notary Public

My commission expires 3/23/2010

KATHERINE PAINTER
NOTARY PUBLIC
Nash County, North Carolina

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

VERIFICATION OF AFFIDAVIT OF
APPEARANCE OF PERSONAL BIAS AND
PREJUDICE AND APPLICATION

STATE OF NORTH CAROLINA
COUNTY OF NASH

Before me, the undersigned authority, personally came and appeared the affiant named below, who being first duly sworn upon oath, deposed and said that she has read the above and foregoing documents and knows the contents thereof, and that all statements of fact contained therein are true.

This is the 11th Day of April 2008,

/s/ Eileen Chu Hing
Eileen Chu Hing

Sworn to and subscribed by
me this 11th day of April, 2008.

/s/ Katherine Painter
Notary Public

My commission expires 3/23/2010

KATHERINE PAINTER
NOTARY PUBLIC
Nash County, North Carolina

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Special Appearance on Motion to Dismiss for Lack of Personal Jurisdiction

Appellant Eileen Chu Hing, pro se, in a special appearance, pursuant to the Pennsylvania Rules of Civil Procedure, moves this Court to dismiss the judgments rendered after September 6, 2006 from the lower court for lack of jurisdiction over the Appellant on grounds that the Appellant, a non-resident of the State, was not personally served with process nor personal notices and did not appear in the proceedings, as more fully appears from the attached affidavit filed.

Grounds for this motion are listed as follows:

1. The US Supreme Court stated that judgments entered by a court without jurisdiction were violations of the Due Process Clause of the US Constitution (Pennoyer v. Neff, 95 US 714, 24 L. Ed. 565 [1877]).

"...The plaintiff was a non-resident of the State that he was not personally served with process and did not appear therein..."

"...Personal judgment rendered against a non-resident without service of process upon him in the action or his appearance therein..."

"...The judgment in the State court against the plaintiff was void for want of personal service of process on him or of his appearance in the action in which it was rendered..."
"...In this case, there was no personal notice, making the judgments nullities..."

"...The proceedings were deemed an illegitimate assumption of power and resisted as mere abuse..."

"...Since the adoption of the Fourteenth Amendment to the Federal Constitution the validity of such judgments may be directly questioned, and their enforcement in the State resisted, on the ground that proceedings in a court of justice to determine the personal rights and obligations of the parties over whom that court has no jurisdiction do not constitute due process of law..."

"It is a case of depriving a person of his property without due process of law."

"A statute which should authorize any debt or damages to be adjudged against a person upon a purely ex parte proceeding, without a pretence of notice or any provision for defending, would be a violation of the Constitution, and be void..."

"..where a party has property in a State, and resides elsewhere, ... due process of law would require appearance or personal service before the defendant could be personally bound by any judgment rendered."

(Personal service means in hand delivery of the papers to the proper person.)

2. The US Supreme Court ruled that service of process should be reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to be heard. The reasonableness of the notice must be considered in light of all the circumstances. (Greene v. Lindsey, 456 U.S. 444, 102 S. Ct. 1874, 72 L. Ed. 2d 249 [1982]).

"...an elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them

an opportunity to present their objections..." (Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 3 339 U.S. 14. P P. 449-450)"

"..The fundamental requisite of due process of law is the opportunity to be heard." (Grannis v. Ordean, 234 U.S. 385, 394 (1914).

3. Appellee did not comply with due process of law requiring personal service of process and personal notices, therefore the lower court lacked personal jurisdiction over the Appellant and the judgments rendered after September 6, 2006 are null and void.

As further support of this motion, the affidavit of Eileen Chu Hing is attached hereto.

Respectfully submitted,

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: April 3, 2008

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Special Appearance on Motion to Dismiss for Lack of Personal Jurisdiction and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: April 3, 2008

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

AFFIDAVIT OF EILEEN CHU HING

STATE OF NORTH CAROLINA
COUNTY OF NASH

I, Eileen Chu Hing, being duly sworn according to law, depose and say that I am a competent adult over 18 years of age; that:

1. I have resided in North Carolina since September 6, 2006.

2. I did not receive any personal service of process nor personal notices from Glenn Hing after September 6, 2006.

3. I did not receive any personal service of process nor personal notices from Ned Hark, the attorney of Glenn Hing, after September 6, 2006.

/s/ Eileen Chu Hing
Eileen Chu Hing

Sworn to and subscribed by
me this 3rd day of April, 2008.

/s/ Daniel Glover
Notary Public

My commission expires August 6, 2011

DANIEL GLOVER
NOTARY PUBLIC
Nash County
North Carolina

IN THE SUPERIOR COURT OF PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Motion for Allowance of Appeals and Extension of Time to File Briefs

1. Appellant requests an extension to the filing of the Pa. R.A.P. 2185(a) briefs for 60 days.

2. Appellant requests that the order pertaining to the Petition for Special Relief to Prevent Dissipation of Marital Assets on Apr 29, 2005, be appended to this appeal, as the court made an error by including assets in question that were taken out several months before the divorce was filed and before the separation date. The divorce was filed in August

2004. The separation date was litigated and pushed back to Mar 24, 2004 to the date of the assault.

3. Appellant requests that the appeal quashed on Nov 30, 2005 from Superior Court regarding the appeal of the order dated Aug 10, 2005, be appended to this appeal.

4. Appellant requests the orders issued ex parte in the lower court from December 2006 to June 2007, be appended to this appeal, as the court made an error by not giving proper notice to the Appellant, as they are relevant to this appeal. A copy of the lower court docket is attached. The Appellant resided in North Carolina since September 2006. The Appellant was granted a confidential address by the Attorney General of North Carolina in October 2007 for victims of domestic violence.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: March 21, 2008

App. C 34

First Judicial District of Pennsylvania
DOCKET REPORT

CASE NUMBER CASE CAPTION
D04088458 CHU HING VS. HING

FILING DATE: 18-AUG-2004 COURT: FC
CASE TYPE: DIVORCE
STATUS: NOTICE OF APPEAL FILED
DIVORCE
RELATED CASES:

Parties:

Seq. No.	Assoc. With	Expiration Date	Party Type	ID	Party Name
1		24-JUN-2007	ADFT	A000 43197	HARK, NED
2	6		DEFT	M010 08943	HING, GLEN N F.
3			PLTF	M009 99399	CHU HING, EILEEN
4.		15-AUG-2007	APLF	A000 28443	BERNER, JONI J.
5		01-NOV-2007	APLF	A000 84029	WATSON, M

			EGAN E.
6		ADFT	A000 43197 HARK, NED

Docket Entries:

Filing Date/Time	Docket Entry	Filing Name
12-AUG-2004 15:18:00	COMPLAINT IN DIVORCE	KARDON, ARLAN M.
17-AUG-2004 09:05:00	MOTION FOR CONSOL'D CASE MGMT PETITIONER/ PLTF/WIFE -SENT TO JUDGE FOX	GARDINER, ELIZABETH
17-AUG-2004 09:09:00	PETITION FOR JOINDER PETITIONER/ PLTF/WIFE -SENT TO JUDGE FOX	GARDINER, ELIZABETH
19-AUG-2004	ADMINISTRATIVE ORDER ALL MATTERS WITH REGARD TO THE ABOVE DIVORCE CASE ARE ASSIGNED	FOX, IDEE C

	TO JUDGE MATTHEWS UNDER CCMP -NOTICE GIVEN UNDER RULE 236	
31-AUG-2004 13:34:00	PRELIMINARY OBJECTIONS TO PLFTS., PETITION FOR JOINDER OF INDISPENSABLE THIRD PARTIES -SENT TO J. MATTHEWS UNDER CCMP	HARK, NED
31-AUG-2004 13:35:00	PRELIMINARY OBJECTIONS TO COUNT III OF PLFTS'., COMPLAINT -SENT TO J. MATTHEWS UNDER CCMP	HARK, NED
31-AUG-2004 15:23:00	ACCEPTANCE OF SERVICE BY DEFT	HARK, NED
31-AUG-2004 15:24:00	ACCEPTANCE OF SERVICE BY DEFT	HARK, NED

10-SEP-2004 09:28:00	ANSWER TO MOTION FOR PRELIMINARY OBJECTIONS TO PETITION FOR JOINDER OF INDISPENSABLE THIRD PARTIES -SENT TO J. MATTHEWS (CCMP)	GARDINER, ELIZABETH
14-SEP-2004 09:24:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20040914 FOR FULL DETAILS	MATTHEWS, ROBERT J.
14-SEP-2004 10:09:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20040914A FOR FULL DETAILS	MATTHEWS, ROBERT J.
14-SEP-2004 10:10:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20040914A FOR FULL DETAILS	MATTHEWS, ROBERT J.

01-DEC-2004 14:53:00	PET FOR COUNSEL FEES /COSTS/EXP MOTION FOR INTERIM COUNSEL FEES, COSTS AND EXPENSES FILED BY ATTY. E. GARDINER. CCM-FORWARDED TO JUDGE MATTHEWS.	GARDINER, ELIZABETH
05-JAN-2005 15:18:00	ANSWER IN DIVORCE ANSWER AND NEW MATTER TO PLTF'S PETN FOR INTERIM COUNSEL FEES, COST, AND EXPENSES	HARK, NED
07-JAN-2005 13:38:00	ANSWER TO MOTION FOR INTERIM COUNSEL FEES, COSTS & EXPENSES	KARDON, ARLAN M.
07-JAN-2005	MOTION WITHDRAWN RULE 236 NOTICE GIVEN. PETITION	MATTHEWS, ROBERT J.

	WITHDRAWN.	
22-FEB-2005 15:40:00	ATTORNEY'S ENTRY OF APPEARANCE ROBT. I WHITELAW, ESQ., FOR PLTF	WHITELAW, ROBERT I.
22-FEB-2005 15:43:00	ATTY WITHDRAWAL OF APPEARANCE	KARDON, ARLAN M.
21-APR-2005 13:31:00	PETITION TO COMPEL DISCOVERY SENT TO J. MATTHEWS UNDER CCMP	HARK, NED
27-APR-2005 14:10:00	RULE RETURNABLE MOTION TO COMPEL RESPONSE TO DISCOVERY REQUEST-RR: 05-13-05, 9A.M., CTRM. 2	MATTHEWS, ROBERT J.
29-APR-2005 15:14:00	PETITION FOR SPECIAL RELIEF TO PREVENT DISSIPATION OF	HARK, NED

	MARITAL ASSETS- SENT TO J. MATTHEWS UNDER CCMP	
05-MAY-2005 12:13:00	RULE RETURNABLE GRANTED PETITION FOR SPECIAL RELIEF TO PREVENT DISSIPATION OF MARITAL ASSETS -RR:05-16-05, 8:30 A.M., IN CTRM. 2	MATTHEWS, ROBERT J.
09-MAY-2005 15:33:00	ANSWER IN DIVORCE	WHITELAW, ROBERT I.
09-MAY-2005 15:33:00	PETITION TO COMPEL DISCOVERY SENT TO J. MATTHEWS UNDER CCMP	WHITELAW, ROBERT I.
10-MAY-2005 10:15:00	ANSWER TO MOTION PETITION FOR SPECIAL RELIEF TO PREVENT DISSIPATION OF MARITAL ASSETS -SENT TO	WHITELAW, ROBERT I.

16-MAY-2005 11:05:00	ANSWER IN DIVORCE ANSWER TO PETITIONER'S MOTION TO COMPEL RESPONSE TO DISCOVERY	HARK, NED
16-MAY-2005 14:26:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20050516 FOR FULL DETAILS.	MATTHEWS, ROBERT J.
18-MAY-2005 13:45:00	PLTF/DEFT'S ATTY TO WITHDRAW FOR PLTF- SENT TO JUDGE MATTHEWS- CCMP	WHITELAW, ROBERT I.
18-MAY-2005 15:34:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20050518 FOR FULL DETAILS.	MATTHEWS, ROBERT J.

01-JUN-2005 11:33:00	RULE RETURNABLE GRANTED MOTION FOR SPECIAL RELIEF & PET TO W/D AS COUNSEL-RR: 06-13-059:00 AM, CT. 2	MATTHEWS, ROBERT J.
13-JUN-2005 09:46:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20050613 FOR DETAILS.	MATTHEWS, ROBERT J.
13-JUN-2005 09:54:00	SIGNED ORDER RULE 236 NOTICE GIVEN. SEE ORDT OF 20050613A FOR DETAILS.	MATTHEWS, ROBERT J.
29-JUN-2005 09:43:00	ATTORNEYS ENTRY OF APPEARANCE ROBT. I WHITELAW, ESQ	WHITELAW, ROBERT I.
11-JUL-2005 11:33:00	PET FOR COUNSEL FEES/ COSTS/EXP FILED PRO SE	CHU HING, EILEEN

	BY PLFT., SENT TO J. MATTHEWS UNDER CCMP	
29-JUL-2005 11:33:00	RULE RETURNABLE GRANTED PETITION FOR INTERIM COUNSEL FEES, COSTS & EXPENSES BY PLAINTIFF-RR: 08-10-05; AT 9 A.M. CTRM. 2	MATTHEWS, ROBERT J.
02-AUG-2005 11:12:00	DEFT'S AFFIDT/ 3301-D DIV. CODE	HARK, NED
04-AUG-2005 10:33:00	DEFT'S COUNTER AFFIDAVIT	HARK, NED
10-AUG-2005 09:50:00	NOTICE OF APPEAL FILED DIVORCE NOTICE OF APPEAL S/COURT BY PLF. E. CHU HING FROM THE ORDER 08/10/05- FORWARDED APPEAL/DOCKETS & RECORD J. MATTHEWS 08/11/05	CHU HING, EILEEN

10-AUG-2005 11:07:00	MOTION DENIED RULE 236 NOTICE. PETITION FOR COUNSEL FEES, COSTS AND EXPENSES IS DENIED.	MATTHEWS, ROBERT J.
13-SEP-2005 09:15:00	PETITION FOR BIFURCATION PETITIONER/DEFT -SENT TO JUDGE MATTHEWS-CCMP	HARK, NED
18-SEP-2005 14:27:00	RULE RETURNABLE GRANTED GLENN HING'S PETITION FOR BIFURCATION-- RR:11-15-05; 9 A.M.; CTRM. 2	MATTHEWS, ROBERT J.
21-SEP-2005 13:48:00	OPINION IN DIVORCE BY JUDGE NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
05-OCT-2005 12:23:00	PRAECIPE TO TRANSMIT	HARK, NED

	RECORD APPROVAL-SENT TO JUDGE MATTHEWS -CCMP	
16-NOV-2005 13:58:00	SIGNED ORDER RULE 236 NOTICE GIVEN. PET. FOR BIFURCATION IS CONT. GENERALLY W/O PREJUDICE.	MATTHEWS, ROBERT J.
30-NOV-2005 14:56:00	APPEAL QUASHED FROM SUPERIOR COURT-RE: APPEAL OF THE ORDER OF 8/10/05	
09-JAN-2006 11:52:00	PETITION FOR APL DOCKETED UNDER PACSES CASE NO. 996106658-SENT TO JUDGE MATTHEWS-CCMP	CHU HING, EILEEN
19-JAN-2006 15:06:00	MASTER'S REPORT FILED	
26-JAN-2006 14:29:00	EXCEPTIONS TO MASTER'S REPORT	CHU HING, EILEEN

	FILED PRO SE BY PLFT., SENT TO J. MATTHEWS UNDER CCMP	
23-MAR-2006 11:25:00	PETITION FOR SPECIAL RELIEF PETITIONER/DEFT -RE: TO COMPEL ATTENDANCE OF VOCATIONAL REVIEW SENT TO JUDGE MATTHEWS -CCMP	HARK, NED
30-MAR-2006 11:25:00	RULE RETURNABLE GRANTED PETITION FOR SPECIAL RELIEF -RR:04/27/06; 9:00 A.M.; CTRM. 2	MATTHEWS, ROBERT J.
26-APR-2006 13:17:00	PETITION DENIED RULE 236 NOTICE GIVEN. EXCEPTIONS TO THE MASTERS ORDER IS DENIED. SEE ORDT #20060426.	MATTHEWS, ROBERT J.
26-APR-2006	SIGNED	MATTHEWS,

13:29:00	ORDER GRANTED RULE 236 NOTICE GIVEN. EILEEN CHU HING SHALL ATTEND VOCATIONAL EVALUATION. SEE ORDT #20060426A.	ROBERT J.
26-APR-2006 13:31:00	SIGNED ORDER RULE 236 NOTICE GIVEN. EILEEN CHU HING SHALL PAY COUNSEL FEES TO PETITIONER'S COUNSEL, NED HARK, ESQUIRE. SEE ORDT #20060426.	MATTHEWS, ROBERT J.
27-APR-2006 10:45:00	NOTICE OF APPEAL FILED DIVORCE NOTICE OF APPEAL TO SUPERIOR COURT BY PLF. EILEEN CHU HING FROM	CHU HING, EILEEN

	ORDER 04/26/06- FORWARDED APPEAL/RECORD J. MATTHEWS 05/01/06.	
27-APR-2006 14:43:00	MISCELLAN EOUS PLEADING AMENDED PETITION FOR ALIMONY PENDENTE LITE SENT TO J. MATTHEWS UNDER CCMP SEE PACSES #996106658	CHU HING, EILEEN
15-MAY-2006 10:22:04	ORD FOR CONCISE STAT MAT APPL notice given under rule 236	MATTHEWS, ROBERT J.
25-MAY-2006 11:44:23	NOTICE OF APPEAL FILED DIVORCE NOTICE OF APPEAL TO SUPERIOR COURT BY PLTF EILEEN CHU HING FROM THE ORDER DATED	

	04/26/06-FORWARDED APPEAL/AND RECORD TO J. MATTHEWS CHAMBERS ON 05/25/06	
25-MAY-2006 11:55:30	**CONCISE STATE OF MAT ON APPEAL** CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL FILED BY PLF EILEEN CHU HING 05/25/06	
14-JUN-2006 15:43:06	**ORD FOR CONCISE STAT MAT APPL** RE: APPEAL FILED ON 5/25/06 FROM THE ORDER OF 4/26/06 RE: VOCATIONAL EVALUATION NOTICE GIVEN UNDER RULE 236 -(1543 EDA 2006)	**MATTHEWS, ROBERT J.**
22-JUN-2006 14:23:21	**APPEAL QUASHED** RE: APPEAL NO. 1156 EDA 2006- ORDER OF 4/26/06	**SUPERIOR, COURT OF PA**

	RE: DATE OF SEPARATION	
30-JUN-2006 12:20:57	CERTIFICATION FOR MASTER	HARK, NED
05-JUL-2006 14:29:04	OBL TO CERT'N FOR PERM MASTER Sent to Judge Matthews	CHU HING, EILEEN
19-JUL-2006 10:15:12	OPINION IN DIVORCE BY JUDGE OPINION IN DIVORCE, MADE BY JUDGE MATTHEWS	MATTHEWS, ROBERT J.
08-AUG-2006 10:01:59	RULE RETURNABLE GRANTED Pltfs., Objections To Permanent Master in Divorce-Rr: 8-21-06 at 8:30 am., in Ctrm. #2	MATTHEWS, ROBERT J.
08-AUG-2006 10:04:46	MOTION HEARING SCHEDULED	
09-AUG-2006	APPEAL	SUPERIOR,

08:57:52	DISMISSED APPEAL FROM ORDER OF 4-26-06 IS DISMISSED FOR FAILURE OF THE APPELLANT TO COMPLY WITH pA. R.A.P. 3517	COURT OF PA
16-AUG-2006 14:09:05	RULE RETURNABLE SCHEDULED	
21-AUG-2006 09:31:06	MOTION DENIED NOTICE GIVEN UNDER RULE 236.obl to cert'n for perm master is denied.	MATTHEWS, ROBERT J.
31-AUG-2006 09:28:59	ADMINISTRA TIVE ORDER NOTICE GIVEN UNDER RULE 236. MATTER LISTED IN ERROR.	MATTHEWS, ROBERT J.
21-NOV-2006 15:25:55	MOTION HEARING SCHEDULED	
29-NOV-2006	EVENT	MATTHEWS,

12:27:58	CANCELLED	ROBERT J.
29-NOV-2006 12:29:49	MOTION HEARING SCHEDULED	
19-DEC-2006 11:49:26	PET FOR SPECIAL RELIEF -EMERG EMERGENCY PETITION TO PREVENT DISSIPATION OF MARITAL ASSETS IN FORM OF A PETITION FOR SPECIAL RELIEF TO COMPEL COOPERATION AND COMPLIANCE FOR TRANSFER OF TITLE TO MOTOR VEHICLE -CASE CCM FORWARDED TO J. MATTHEWS 12/19/06.	HARK, NED
19-DEC-2006 14:23:05	RULE RETURNABLE GRANTED Emergency Petition to	MATTHEWS, ROBERT J.

	Prevent Dissipation of Marital Assets -rr: 12-22-06 at 8:30am., in ctrm. #2 (CCMP)	
22-DEC-2006 09:25:01	ADMINISTRATIVE ORDER NOTICE GIVEN UNDER RULE 236. SEE ORDER OF 12/22/06 FOR FULL DETAILS.	MATTHEWS, ROBERT J.
26-FEB-2007	SIGNED BIFURCATED DECREE Cause: 3301(d) Notice given under rule 236	MATTHEWS, ROBERT J.
12-MAR-2007 15:14:08	MASTER'S REPORT FILED	OCONNELL, DENNIS
15-MAR-2007 12:28:06	PRAECIPE FOR TRIAL BY JUDGE PETITIONER/ DEFT-SENT TO JUDGE DOUGHERTY	HARK, NED
16-MAR-2007	ADMINISTRA	DOUGHERT

12:12:31	TIVE ORDER judge robert j. matthews is assigned to conduct a trial de novo in the above matter- notice given under rule 236	Y, KEVIN M.
21-MAR-2007 11:15:08	RULE RETURNABLE GRANTED re: sanctions from master's hearing- hearing date: 4/5/07, 11:00am, ct.rm.2	MATTHEWS, ROBERT J.
22-MAR-2007 11:21:45	RULE RETURNABLE	ERROR, ERROR
22-MAR-2007 11:27:36	DIVORCE HEARING	
22-MAR-2007 11:28:12	RULE RETURNABLE SCHEDULED	
09-APR-2007 08:28:59	SEMI-PROTRACTED DIVORCE HRG	
09-APR-2007 08:29:25	SEMI-PROT. DIV. HRNG SCHEDULED	

09-APR-2007 08:34:22	EVENT CANCELLED	MATTHEWS, ROBERT J.
09-APR-2007 08:35:27	DIVORCE DENOVO SCHEDULED	
09-APR-2007 08:37:33	EVENT CANCELLED	MATTHEWS, ROBERT J.
09-APR-2007 08:38:03	DIVORCE HEARING	
09-APR-2007 08:38:25	SEMI-PROT. DIV. HRNG SCHEDULED	
09-APR-2007 14:40:34	MOTION GRANTED RE: MOTION FOR EXPERT TESTIMONY - SEE ORDT-NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
15-MAY-2007 15:59:02	SIGNED DIVORCE ORDER NOTICE GIVEN UNDER RULE 236. NED HARK, ESQ. ATTORNEY FOR GLENN HING TO SUBMIT A REVISED PROPOSED	MATTHEWS, ROBERT J.

ORDER TO THE COURT ON 5-16-07

17-MAY-2007 09:09:27	SIGNED DIVORCE ORDER notice given under Rule 236	MATTHEWS, ROBERT J.
06-JUN-2007 14:45:24	ATTORNEY'S ENTRY OF APPEARANCE	BERNER, JONI J.
06-JUN-2007 14:45:48	ATTORNEY'S ENTRY OF APPEARANCE	WATSON, MEGAN E.
08-JUN-2007 09:39:37	PETITION FOR RECONSIDERATION petitioner/pltf-re: order of 5/17/07-sent to judge matthews	BERNER, JONI J.
11-JUN-2007 09:57:15	MOTION HEARING SCHEDULED hearing date for petition for reconsideration-6/15/07, at 8:30am. ct.rm.2-notice given under	MATTHEWS, ROBERT J.

12-JUN-2007 15:37:14	RULE RETURNABLE SCHEDULED	
14-JUN-2007 10:06:26	EVENT CANCELLED	MATTHEWS, ROBERT J.
15-JUN-2007 15:44:43	RELIST-DATE CERTAIN RE: PETITION FOR RECONSIDERA TION-CONT. TO 6/27/07, AT 8:30AM. CT.RM.2-NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
27-JUN-2007 15:43:18	MOTION GRANTED RE: PETITION FOR RECONSIDERA TION-SEE ORDT -NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
09-AUG-2007 09:21:40	MEMORANDUM OF LAW petitioner/pltf re: request to open	WATSON, MEGAN E.

	divorce matter- dent to judge matthew	
11-OCT-2007 16:18:51	SIGNED DIVORCE ORDER RE: MEDIATION SETTLEMENT CONFERENCE/ DE NOVO TRIAL FOR EQUITABLE DISTRIBUTION SEE ORDT-NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
12-OCT-2007 14:31:04	DIVORCE HEARING SCHEDULED	
12-OCT-2007 14:31:45	DENOVO HEARING	MATTHEWS, ROBERT J.
12-OCT-2007 14:33:04	DIVORCE DENOVO SCHEDULED	
23-OCT-2007 14:53:04	MEMORANDUM OF LAW PRE-TRIAL MEMORANDUM FILED	WATSON, MEGAN E.
24-OCT-2007 12:36:34	PRE-TRIAL MEMORANDUM	HARK, NED

	petitioner/deft- with exhibits- sent to judge matthews	
29-OCT-2007 10:47:59	PET FOR COUNSEL FEES/ COSTS/EXP filed obo plft., by Megan E. Watson, Esq., sent to Judge Matthews under CCMP	WATSON, MEGAN E.
31-OCT-2007 16:15:36	MOTION TO QUASH PETITIONER/DEFT -RE: DOCUMENTS AND THINGS REQUESTED IN NOTICE TO ATTEND AND PRODUCE- SENT TO JUDGE MATTHEWS-CCMP	HARK, NED
01-NOV-2007 09:55:18	ADMINISTRATIVE ORDER NOTICE GIVEN UNDER RULE 236. SEE ORDERS OF 11/1/07 FOR FULL DETAILS.	MATTHEWS, ROBERTS J.
01-NOV-2007	MOTION	MATTHEWS,

11:27:22	DENIED RE: PETITION FOR RECONSIDERATION-SEE ORDT -NOTICE GIVEN UNDER RULE 236	ROBERT J.
01-NOV-2007 16:16:22	ADMINISTRATIVE ORDER NOTICE GIVEN UNDER RULE 236. THE RECONSIDERATION IS DENIED. THE ORDER OF 5/17/07 TO STAND.	MATTHEWS, ROBERT J.
14-NOV-2007 14:23:51	NOTICE OF APPEAL FILED DIVORCE EILEEN CHU HING FILING PRO-SE NOTICE OF APPEAL FROM ORDER OF 11-1-07, MADE BY JUDGE MATTHEWS, DHIS, APPEAL, AND RECORD FORWARDED TO JUDGE MATTHEW'S CHAMBERS.	CHU HING, EILEEN

21-NOV-2007 10:34:30	ORD CONCISE STAT ERROR APPL NOTICE GIVEN UNDER RULE 236	MATTHEWS, ROBERT J.
25-JAN-2008 13:51:20	OPINION IN DIVORCE BY JUDGE re: appeal no. 3010 eda 2007-notice given under rule 236	MATTHEWS, ROBERT J.
05-MAR-2008 13:49:36	PET TO PROCEED FORMA PAUPERIS PETITION/PLFT-RE: TRANSCRIPTS FOR ALL HEARINGS FROM AUGUST 2004 TO DECEMBER 2007-SENT TO JUDGE MATTHEWS-CCMP	CHU HING, EILEEN
10-MAR-2008 12:02:22	MOTION DENIED re: petition for i.f.p. for note of testimony -notice given under rule 236	MATTHEWS, ROBERT J.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Motion for Leave to Proceed In Forma Pauperis and IFP Verified Statement

Eileen Chu Hing states under the penalties provided by 18 Pa.C.S. Section 4904 (unsworn falsification to authorities) that:

1. I am the Appellant in the above action and because of my financial condition am unable to pay the following fees and costs:

(a) Transcript Fees

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true and correct.

(a) Are you presently employed?

Yes.
Salary per month: $XXXXXXX
Employer address:
XXXXXXXX
XXXXXXXX
XXXXXXXX

(b) Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, pensions, annuities, social security benefits, support payments or other source?

Yes.
Source of income: IRAs
Total: $XXXXXXX

(c) Do you own any cash or checking or savings account?

Yes.
Total: $XXXXXXX

(d) Do you own any real estate, stocks, bonds, notes, automobiles, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes.

Automobile: XXXXXXXX
I do not know the approximate value.
There are no encumbrances on the car.

Stock IRA: $XXXXXXX

(e) List the persons, if any, who are dependent upon you for support and state your relationship to those persons.

XXXXXXXX
XXXXXXXX

(f) List all your debts and obligations.

Loans: $XXXXXXX
Other: $XXXXXXX
See attached.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law (misdemeanor of the second degree).

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: March 21, 2008

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Motion for Temporary Alimony

1. I, Eileen Chu Hing, am the Appellant in this case.

2. I live by myself at a confidential address granted to me by the Attorney General of North Carolina for victims of domestic violence.

3. I am XXXXXXX, currently employed by XXXXXXXX earning $XXXXXXX per year, and undergoing vocational rehabilitation at the XXXXXXXX. I have applied for XXXXXXXX.

4. My spouse lives at XXXXXXXX.

5. Right now, my spouse is providing me with no support.

I respectfully request that:

1. The Court require my spouse to pay me temporary alimony, in a manner that is equitable, just and reasonable, during the appeal proceedings.

2. The Court make the temporary alimony retroactive to the date I filed this Motion and require that any past amount be paid to me in such a way as the Court determines is fair and reasonable.
I also request that the Court award any other relief it considers fair and proper.

I do not request an oral hearing in front of the judge on this motion.

Respectfully submitted,

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: March 21, 2008

I, Eileen Chu Hing, solemnly swear or affirm under criminal penalties for the making of a false statement that I have read the foregoing Motion for Temporary Alimony and that the factual statements made in it are true to the best of my personal knowledge, information, and belief.

/s/ Eileen Chu Hing
Eileen Chu Hing

Dated: March 21, 2008

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY
FAMILY COURT DIVISION

EILEEN CHU HING	: Case ID No. August 2004
Plaintiff	: Docket No. 8458
	:
vs.	:
	:
GLENN F. HING	:
Defendant	: Filed: March 5, 2008
	: CLERK OF FAMILY
	: COURT

PETITION TO PROCEED IN
FORMA PAUPERIS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

(1) I am PLAINTIFF in the above matter and because of my financial condition I am unable to pay the required transcript fees.

(2) I am unable to obtain funds from anyone, including my family and friends, to pay this fee.

(3) I am not currently receiving cash or medical Public Assistance benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition, and why I cannot afford to pay the aforementioned filing fee.

I verify that the statements made in this Petition, and attached Poverty Affidavit (if applicable), are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.§4904, relating to unsworn falsification to authorities.

Date: 3/5/08

/s/ Eileen Chu Hing
PO Box 8433
Rocky Mount, NC 27804

ORDER

AND NOW, this 10th day of March, 2008, upon consideration of the foregoing Petition, and attached Poverty Affidavit (if applicable), it is hereby ORDERED that the petitioner be excused from payment of the filing fee in this matter.

BY THE COURT:
Denied /s/ Robert J Matthews

COPIES SENT
PURSUANT TO Pa.R.C.P 236(b)
MAR 10 2008
FIRST JUDICIAL DISTRICT OF PA
USER I.D. MH

Pro Se
Eileen Chu Hing
PO Box 8433
Rocky Mount, NC 27804
Appellant

Appellate Division Docket No. 3010 Eastern District Appeal (EDA) 2007

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

EILEEN CHU HING	FAMILY COURT DIVISION
VS	No. 8458
GLENN F HING	

PETITION FOR FREE TRANSCRIPT

Petitioner, Eileen Chu Hing, pro se, files this Petition for Free Transcript, and in support thereof, avers as follows:

1. Petitioner is Eileen Chu Hing.

2. Petitioner is without adequate resources for living expenses and legal representation.

3. Petitioner is a victim of domestic violence and undergoing vocational rehabilitation.

5. WHEREFORE, Petitioner prays this Court to grant a free transcript of all the hearings from August 2004 to December 2007 in lower court.

/s/ Eileen Chu Hing
EILEEN CHU HING, PRO SE

Date: March 5, 2008

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. Sec.4904 relating to unsworn falsification to authorities.

/s/ Eileen Chu Hing
EILEEN CHU HING, PRO SE

Date: March 5, 2008

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Motion for Extension of Time to File Briefs and to Include Additional Documents in the Certified Record

1. Appellant requests an extension to the filing of the Pa. R.A.P. 2185(a) briefs for 60 days.

2. The record inventory list is incomplete. Appellant requests that the lower court forward the certified records of all the documents in this case from August 2004 to December 2007 to the Superior Court.

3. Appellant requests the orders issued in the lower court from December 2006 to June 2007, from hearings where the Appellant was not given notice and not a participant, to be included in the appeal, as they are pertinent to this appeal.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: March 3, 2008

Eileen Chu Hing	:	IN THE SUPERIOR
	:	COURT OF
	:	PENNSYLVANIA
	:	
V.	:	
	:	(C.P. Phila. Cnty.
Glenn F. Hing	:	No. 8458
	:	August Term, 2004)
	:	
	:	No. 3010 EDA 2007
	:	Filed:
	:	March 17, 2008

O R D E R

Appellant motion for an extension of time within which to file her brief is GRANTED. Appellant's brief shall be filed on or before April 25, 2008. Appellant's motion to include additional documents in the certified record is DENIED without prejudice to her right to seek the requested relief in the trial court. See Pa.R.A.P. 1926.

Per Curiam

In The Superior Court of Pennsylvania

Hing, E	:	Superior Court
v.	:	Docket No.
	:	3010 EDA 2007
Hing, G	:	
	:	Trial Court Docket
	:	Nos August Term,
	:	2004
	:	No. 8458
	:	January 30, 2008

Order

The trial court record has been filed in this office in the above-captioned matter.

It is your responsibility to review the record inventory list and make sure that the certified record forwarded to this court contains those documents necessary to the issues raised on appeal; failure to do so may result in waiver, Pa.R.A.P.1926,1931 (d); Bennyhoff v. Pappert, 790 A.2d 313 (Pa.Super.2001); Commonwealth v. Wint, 730 A.2d 965 (Pa.Super.1999).

Pursuant to Pa.R.A.P. 2185(a) briefs for the appellant must be filed on or before March 10, 2008.

Upon failure to timely file briefs for the appellant, the court will, on its own motion and without further notice, dismiss the appeal. If the briefs are filed late but before the appeal is dismissed counsel shall not be permitted to argue but shall be available to answer any questions the court may ask.

Pursuant to Pa.R.A.P. 2111(B), copies of the trial court opinion must be appended to the appellant's brief. Briefs will not be accepted for filing unless you comply with this request.

Seven (7) copies of briefs, together with seven (7) copies of the reproduced record, if applicable, must be filed and opposing parties must be served.

If this is a cross appeal, your attention is directed to Pa.R.A.P. 2136 to determine which party is considered the appellant for the purpose of establishing the briefing schedule.

Per Curiam

PH

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION

IN RE: EILEEN CHU HING	:
	: Superior Court
	: Docket No.
VS.	: 3010 EDA 2007
	:
GLENN F. HING	: Philadelphia
	: County File No.
	: August, 2004
	: 8458

INVENTORY OF DOCUMENTS

DATE FILED	FILINGS	DOCUMENT NUMBER
1-25-08	OPINION-JUDGE MATTHEWS	1
11-21-07	ORDER FOR CONCISE STATEMENT OF ERRORS ON APPEAL	2
1-14-07	NOTICE OF APPEAL-RE: ORDER OF 11-01-07	3
11-01-07	ORDER-	4

	RECONSIDERATION IS DENIED	
11-01-07	ORDER-RE: MOTION TO QUASH	5
10-31-07	MOTION TO QUASH	6
10-29-07	PLAINTIFF'S PETITION FOR COUNSEL FEES	7
10-24-07	DEFENDANT'S PRE-TRIAL MEMORANDUM	8
10-23-07	PLAINTIFF'S PRE-TRIAL MEMORANDUM	9
10-11-07	ORDER-RE: MEDIATION SETTLEMENT	10
8-09-07	PLAINTIFF'S MEMORANDUM OF LAW-RE: REQUEST TO OPEN DIVORCE MATTER	11
6-27-07	ORDER-RECONSIDERATION GRANTED	12

6-15-07	ORDER-RELIST PETITION FOR RECONSIDERATION	13
6-08-07	PLAINTIFF'S PETITION FOR RECONSIDERATION	14
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5-15-07	ORDER-FOR REVISED PROPOSED ORDER FOR EQUITABLE DISTRIBUTION	16
4-09-07	ORDER-RE: EXPERT TESTIMONY	17
3-21-07	RULE RETURNABLE FOR HEARING DATE FOR SANCTIONS	18
3-16-07	ADMINISTRATIVE ORDER-ASSIGNING CASE TO JUDGE MATTHEWS FOR DE NOVO TRIAL	19
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-EQUITABLE
DISTRIBUTION

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION

IN RE: EILEEN CHU HING	:	
	:	Superior Court
	:	Docket No.
VS.	:	3010 EDA 2007
	:	
GLENN F. HING	:	Philadelphia
	:	County File No.
	:	August, 2004
	:	8458

M I S C E L L A N E O U S
INVENTORY OF DOCUMENTS

DATE FILED	FILINGS	DOCUMENT NUMBER
	CONCISE STATEMENT OF ERRORS ON APPEAL	1
	NOTICES FOR HEARING ON 11-01-07	2
	ORDER TO WITHDRAW COUNSEL FOR PLAINTIFF	3
	RULE FOR	4

HEARING FOR PETITION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

PETITION TO WITHDRAW AS COUNSEL FOR PLAINTIFF 5

LETTER TO PAUL MERONYCK, JR. -COURT REPORTERS 6

FOX'S LETTER TO MARY JEFFREY -LAW CLERK TO JUDGE MATTHEWS 7

IN THE SUPERIOR COURT OF
PENNSYLVANIA

EILEEN CHU HING, Appellant	(C.C.P. Philadelphia County 8458; August Term, 2004)
VS	
GLENN F. HING	No. 3010 EDA 2007

Rule to Show Cause

This Rule to Show Cause in in response to the Order dated January 18, 2008.

1. Appellant was not notified of the hearing on May 27, 2007.

2. Appellant was not present at the hearing on May 27, 2007.

3. Appellant did not receive a courtesy conference call hearing by the Judge as given to the other side when the Appellee's attorney failed to show up in court, making the Appellant wait most of the morning.

4. Appellant has not received a fair trial in lower court.

5. There are no instructions to be found on how to make a change of address request to Family Court. Following the instructions provided by the clerk of courts did not uniformly change the address across all systems in Family Court, as the request for change of address of May 2007 did not occur until January 2008 in the Support section. It also appears from Judge Matthews Opinion that notices were still being sent to the Race Street address, even when Appellant requested several changes of address at Family Court. It should be noted that Appellant was given a Protection From Abuse order against Appellee's brother.

6. Appellee has access to the Appellant's mail and there has been a history of mail tampering to Appellant's mail. It should be noted that Appellee is an attorney.

7. Appellant was not a participant in the Equitable Distribution hearing.

8. At the November 1, 2007 hearing, the Appellant was denied attorney's fees because the Judge stated that she was an attorney! He allowed her counsel to dump Appellant at that hearing because Appellant could not provide $10,000.00 in cash within two hours. The Judge would not allow a continuance. Appellant was completely unprepared at this hearing.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: February 8, 2008

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY
FAMILY COURT DIVISION
DOMESTIC RELATIONS BRANCH

EILEEN CHU HING	:	3010 EDA 2007
	:	
	:	
	:	
vs.	:	AUGUST TERM,
	:	2004
GLENN F. HING	:	NO. 8458
	:	IN DIVORCE
	:	
	:	
	:	Filed: Jan 28, 2008

OPINION

January 7, 2008

I. BACKGROUND

MATTHEWS, J.

Eileen Chu Hing, appeals from an Order of this Court dated November 1, 2007, denying reconsideration of an earlier Order dated May 17, 2007 effectuating Equitable Distribution of the Parties' martial [sic] assets. The Order of November

1, 2007 is attached as Exhibit A; the Order of May 17, 2007 is attached as Exhibit B. [1]

Notably, Eileen Chu Hing failed to appear at the Trial De Novo, scheduled and held by the Court of May 15, 2007, pursuant to 23 Pa.C.S.§3321 and Pa.R.Civ.P.1920.55-3, which resulted in the Order of May 17, 2007.

On June 6, 2007 able counsel Joni Berner, Esquire and Megan Watson, Esquire, entered their Appearance on behalf of Eileen Chu Hing.

Although Mrs. Hing failed to appear at the hearing scheduled for a Motion For Bifurcation (which was granted in January 2007) and failed to file an income and expense statement and an inventory and appraisal AND failed to file a Pre-Trial Statement required by the Master in Equitable Distribution, See Pa.R.C.P.1920.33, AND failed to appear at the Master's hearing, this Court, after Ms. Watson entered an appearance thought that Mrs. Hing would seriously take the advise of counsel. She has not.

On June 8, 2007, a timely Petition for Reconsideration was filed on behalf of Eileen Chu Hing. This Court granted Eileen Chu Hing's Request to Open Divorce Matter as to Equitable

---

[1] For the sake of clarity, this Court notes that the Motion For Reconsideration was granted to allow EileenChu Hing to then argue the merits of her case at a Trial De Novo. See Exhibit E. The Order of November 1, 2007 denied reconsideration on the merits following a Trial De Novo.

Distribution only and scheduled a second Trial De Novo, having been convinced by Eileen Chu Hing's then counsel, Megan Watson, Esquire, that this Court's duty to effectuate economic justice would be best fulfilled by allowing a second Trial De Novo. See 23 Pa.C.S. §3102 (a) (6). Following the second Trial De Novo on November 1, 2007, this Court entered its Order refusing to reverse the Order of May 17, 2007.

II. ISSUES

Eileen Chu Hing, pro-se, raises numerous issue on Appeal, but they may be summarized as follows:

(1) the court interfered with Eileen Chu Hing's right to fair trial by not giving her notice of the trials; not allowing her legal representation; not continuing the November 1, 2007 trial; and not allowing evidence;

(2) denying Eileen Chu Hing alimony and attorney fees;

(3) penalizing Eileen Chu Hing for refusing to file joint tax returns; and

(4) granting return of martial [sic] funds taken out prior to the separation date.

III. FACTS

At the onset, this Court notes that Eileen Chu Hing has failed to comply with Pa.R.App.P. 1911 to order and pay for any transcripts connected to this Appeal. Although Eileen Chu Hing attached a

"Transcript Order Form and Invoice" to her Notice of Appeal, upon inquiry, the Court Reporter's office has advised that it has NOT received an Order NOR payment for any Transcripts from Ms. Hing. Thus, this Court is hampered in its ability to write an Opinion and is constrained to rely on its memory.

This court directed the Law Clerk to contact the Court Reporter's office when no transcript(s) of any relevant Hing heraring were received. Attached as "Exhibit C" is the inquiry made by the Law Clerk: "Exhibit D" is the response from the Court Reporter's office indicating no Order or payment for a transcript was made by Ms. Hing.

At the time the Divorce Complaint was filed in this matter on August 12, 2004, through counsel, Eileen Chu Hung [sic] noted her address as: 1022 [sic] Race Street, Philadelphia, PA 19107. See Docket attached. Eileen Chu Hing never changed or amended her address with the Clerk of the Court until May 25, 2007, and used only a P.O. Box at that time, cf. Pa.R.C.P.440.

Thought [sic] out this litigation Eileen Chu Hing has retained different counsel. Each has been permitted to withdraw by this Court, upon cause shown. In essence Eileen Chu Hing was pro-se at various times, by choice despite this Court's repeatedly urging her to retain counsel.

The latest attorney who sought to withdraw is Megan Watson, Esquire, a skilled Family Law practitioner and attorney who persuaded this Court

on behalf of Ms. Chu Hing to allow a second Trial De Novo. Although this Court granted the Petition to Withdraw on the day of the Trial, this Court felt compelled to do so in light of the reasons established, including Eileen Chu Hing's actions in "stopping payment immediately before trial on the check to counsel for legal service." The check represented payment for services of and by Ms. Watson, (and her firm Berner and Klaw) including very substantial work done for and prior to the second Trial De Novo.

Despite non-payment for services, Ms. Watson presented Eileen Chu Hing the Brief prepared for trial by Megan Watson, Esquire for Mrs. Hing's pro-se use at the Second Trial De Novo.

The Court did allow Mrs. Hing time to obtain funds to pay counsel, or obtain a Money Order or Bank Check. Mrs. Hing failed to provide the funds. This Court refused Mrs. Hing's request to continue the matter under the circumstances, after hours of delay. The proceedings commenced at 8:30a.m. And the Trial started close to 1 p.m., as recollected.

During the morning delay Ms. Watson continued to negotiate, unsuccessfully, a settlement with Ned Hark, Esquire, counsel for husband, Glenn F. Hing, despite having granted leave to withdraw. Counsel for Ms. Hing tried to help her former client diligently for many hours that day. Eileen Chu Hing proceeded pro se in the second Trial De Novo, and failed to convince this Court and failed to carry her burden of proof to establish her claim for relief as

she requested so as to change its Order of May 17, 2007.

IV. LEGAL REASONING

This court notes "there is no simple formula by which to divide martial [sic] property; the method of distribution derives from the facts of the individual case. "Taper v. Taper, 2007 Pa. Super.397(2007), citing Gaydos v. Gaydos, 693 A.2d 1368, 1376 (Pa.Super. 1997). In making an equitable distribution of property, the Court must consider all relevant factors. Id. Citing, 23 Pa.C.S.A. § 3502.

"Courts attempt to split property equitably, not equally, taking onto consideration such factors as length of marriage, contributions of both spouses, ages and health of each spouse." Taper, quoting, Drake v. Drake, [sic] 555 Pa. 481, 490, 725 A.2d 717, 721(1999). When reviewing an equitable distribution award, an appellate Court considers the distribution scheme as a whole, Taper, citing Wang v. Feng, 888 A.2d 882, 887(Pa. Super. 2005)

This case, as it unfolded has been one of the most challenging matrimonial cases to come before this Court. Ms. Hing has chosen to represent herself at a critical time, and at other time, when represented by most able and respected counsel, has chosen not to follow their advice.

If counsel had been continuously involved, the entire case would most probably have been resolved

some years ago. Without question, one of the most challenging issues for a Family Court Judge is presiding over a case with a pro-se litigant. The more complex the matter (eg. Equitable Distribution) the more able counsel is needed.

Although, under the tenets of the Domestic Relations Code, the presiding Judge is required to effectuate economic justice, 23 Pa.C.S.(a)(6), the jurist must also refrain from practicing law, aiding a pro-se litigant by advising him/her of what to do, and at all times must apply the law to the facts presented. A jurist must not speculate, rather he or she must respond to inquiries, rule on legitimate evidentiary matters and maintain neutrality. The Rules of Civil Procedure must be applied equally and strict proof of allergations and averments must be proven by whatever burden of proof required, given the particular issue. Needless to say, this MOST CHALLENGING CASE required this jurist to apply every one of the aforesaid tenets and then some.

A. SERVICE AND FAIR TRIAL

Eileen Chu Hing claims she was deprived of a fair trial by not receiving notice and legal representation. This Court notes that Eileen Chu Hing was properly notified of previous motions, the scheduled Master's Hearing and two (2) Trials De Novo. (cf.supra (pg 2) where Mrs. Hing was served with a notice of Bifurcation hearing also which has not been appealed). Indeed, If [sic] Eileen Chu Hing

did not receive notices, as she alleges, she herself caused her predicament by not informing this Court of her whereabouts. By this error of omission, Eileen Chu Hing created substantial procedural and substantial legal and factual problems for her case and eventually herself. (Pa.R.C.P. 440(a)(2)(i) and 440(b) and Pa.R.C.P. 1025)

Pa.R.C.P. 1920.51 governs the appointment of a Master and Notice of Hearing before a Master. This Rule specifically provides for service of the Notice of a Master's hearing to the Plaintiff by ordinary mail to the address on the Complaint. Pa.R.C.P. 1920.51(c)(1). (emphasis added).
One of the specific issues for the Masters to decide is "the residences of the parties at the time of the marriage and subsequent thereto, the actual length of time the parties have resided in the Commonwealth. . ."
Pa.R.C.P.1920.53(a)(5). According to the docket, service of the notice of the Master's Hearing was made by regular mail to the parties of record (or counsel in the case of Mr. Hing.)

Thus, if Eileen Chu Hing's claim of lack of notice is to be believed, she failed to inform this Court of change in her mailing addrss and or residence. By failing to keep this Court appraised of her mailing address and residence Eileen Chu Hing undermined this Court's ability to adjudicate this case in a timely and orderly fashion as she avers. Any lack of notice to Eileen Chu Hing, if same were to be believed, was caused by her own choosing when she failed to timely provide accurate address change

information to this Court, and/or failed to pick-up her mail or have it forwarded.

Furthermore, Eileen Chu Hing's claims of lack of notice are belied by her timely Request for Reconsideration of the May 17, 2007. Indeed, this Court notes none of the Notice's sent to Eileen Chu Hing have been returned to this Court. And, coincidentally Eileen Chu Hing finally filed a change on address on May 25, 2007.

Next, Eileen Chu Hing's claim of lack of legal representation astonishes this Court in light of the history of very competent counsel she has had represent her at various time. Again, any lack of counsel was caused by Eileen Chu Hing herself.

Eileen Chu Hing's own failure to represent herself adequately as a pro-se litigant is likewise cause by her own actions, particulary in light of the assistance provided by Ms. Watson, despite not being paid. Ms. Watson gave Eileen Chu Hing 2 volumes of documentation and a Brief and attempted to assist her even after being relieved in Court. Yet, Eileen Chu Hing failed to properly adduce evidence sufficient to present a viable case for overturning the prior Equitable Distribution (May 17, 2007) Order. Further, at the second De Novo trial Eileen Chu Hing did not present evicence sufficient for this Court to reconsider or change its previous Order.

B. RECONSIDERATION

Eileen Chu Hing complains she was improperly denied Alimony and attorney fees and improperly penalized for not filing a joint tax return.

This Court notes that Eileen Chu Hing previously sought attorney's fees in the amount of $180,000.00 for herself as a pro-se litigant. This Court denied that request some time ago. Pro-se litigants as a general rule are not entitled to attorney fees. See, e.g., Westmoreland County Indus. Dev. Auth v. Allegheny County Bd. Of Prop. Assemt, 723 A.2d 1084 (Pa.CMWLTH.1999) Chapman v. Oceaneering Int'l, Inc., 2006 Phila. Ct. Com. Pl. LEXIS 434 (2006). Nothing presented by Eileen Chu Hing to this Court would justify her claim for attorney's fees.

Additionally, at the second Trial De Novo Eileen Chu Hing presented no persuasive evidence that she should be awarded alimony.

Eileen Chu Hing further complains she was improperly penalized for failing to file a joint tax return. The Divorce Code itself requires this Court to consider the tax ramifications associated with the assets to be distributed. 23 Pa.C.S.§3502(a)(10.1). This Court in fact did consider tax impact. By failing to cooperate, without good cause shown, Eileen Chu Hing caused a substantial diminution of marital assets, for which this Court properly held her financially responsible.

Lastly, Eileen Chu Hing complains that this Court erred in granting return of marital funds

taken by her, prior to the separation date. Because Eileen Chu Hing does not specify what funds she complains of, this Court is unable to opine about this matter.

V. CONCLUSION

In sum, this Court conducted two Trial De Novo requested by Ms. Hing following the entry of the Master's Report in this matter. At each Trial De Novo, this Court faithfully rendered decisions based solely on the facts and documents presented at the De Novo Trials, pursuant to Pa.R.C.P.1920.55-3. This Court did not refer to, nor read, the Master's Report nor any Exhibits prior to trial. They were truly intended to be "De Novo" Trials, and they were.

Eileen Chu Hing failed to appear at the first Trial De Novo. This Court accepted evidence from Glenn F. Hing through counsel during the first trial. When appearing pro se at the second Trial De Novo Eileen Chu Hing did not present a case upon which relief could be granted, despite excellent assistance (prior to commencement of trial) by her discharged and uncompensated counsel, Megan Watson, Esquire.

BY THE COURT

/s/ Robert J Matthews J
ROBERT J. MATTHEWS, J.

Eileen Chu Hing	:	IN THE SUPERIOR
	:	COURT OF
	:	PENNSYLVANIA
	:	
V.	:	
	:	(C.P. Phila. Cnty.
Glenn F. Hing	:	No. 8458
	:	August Term, 2004)
	:	
	:	No. 3010 EDA 2007
	:	Filed:
	:	January 18, 2008

O R D E R

This appeal from a November 1, 2007 order that denied reconsideration of a May 27, 2007 order, appears untimely. Generally, an appeal must be taken thirty (30) days after entry of the order from which the appeal lies. See Pa.R.A.P. 903 (a). An appeal does not lie from a denial of reconsideration.See also Karschner v. Karschner, 703 A.2d 61 (Pa. Super. 1997) (trial court's scheduling hearing on motion for reconsideration was insufficient to toll 30-day period within which to appeal final order of equitable distribution, thus appeal was quashed as untimely).

Accordingly, you are directed to show case within fourteen (14) days of the date of this order as to why this untimely appeal should not be dismissed.

Failure to respond to this directive may result in dismissal of this appeal without further notice.

Per Curiam

January 7, 2008

Eileen Chu Hing
PO Box 8433
Rocky Mount, NC 27804

Charles E. O'Connor, Jr.
Deputy Prothonotary
The Superior Court of Pennsylvania
Office of the Prothonotary
530 Walnut Street
Third Floor, Suite 315
Philadelphia, PA 19106

RE: Eileen Chu Hing, Appellant v. Glenn Fl Hing
No. 3010 Eastern District Appeal (EDA) 2007

Dear Mr. O'Connor:

This letter is in response to your letter and order dated January 2, 2008. Attached please find the tracking confirmation of my docketing statement package that was delivered via UPS to the Superior Court of Pennsylvania on December 27, 2007.

Please feel free to call me directly at XXXXXXXX or via email at XXXXXXXX to answer any further questions.

Sincerely,

/s/ Eileen
Eileen Chu Hing
Attachments
cc: Ned Hark, Esquire

UPS
Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number:	1Z 1E6 72F 03 0001 877 4
Service:	GROUND
Weight:	.40 Lb
Shipped/Billed On:	12/21/2007
Delivered On:	12/27/2007 12:56 P.M.
Delivered To:	PHILADELPHIA, PA, US
Signed By:	ADMS
Location:	FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 01/07/2008 6:03 P.M. ET

IN THE SUPERIOR COURT OF PENNSYLVANIA

Hing, J. v. Hing, G : No. 3010 EDA 2007

:

:

:

ORDER

The appellant has failed to file timely the docketing statement required by Pa.R.A.P. 3517. The appellant is directed to file the docketing statement with the Prothonotary of this court by January 12, 2008. Failure to file the docketing statement by that date will lead to an order dismissing the appeal.

Per Curiam

Date JAN 2 2008

Superior Court of Pennsylvania
Eastern District
530 Walnut Street
Philadelphia, PA 19106
215-560-5800
www.superior.court.state.pa.us

Karen Reid Bramblett, Esq.
Prothonotary
Charles E. O'Connor, Jr., Esq.
Deputy Prothonotary

November 28, 2007

Mrs. Eileen Chu Hing

P.O. Box 8433
Rocky Mount, NC 27804

RE: Hing, E v. Hing, G
No.: 3010 EDA 2007

Dear Mrs. Hing:

Pursuant to Pennsylvania Rule of Appellate Procedure 3517, a Superior Court Docketing Statement is enclosed. Please confirm that the Docketing Statement you received corresponds with the type of case from which the appeal has been taken (i.e., civil, criminal, or family) and that the pre-printed information is correct. If the enclosed Docketing Statement does not correspond with your

case type or the information is incorrect, please contact this office before the Docketing Statement due date and a new Docketing Statement will be sent to you. If the Docketing Statement is correct, complete the Docketing Statement and return it to this office by December 12, 2007.

When returned, the completed Docketing Statement, must be accompanied by the copies of the following documents: (1) the order, decree or judgment from which the appeal has been taken; (2) the notice of appeal; (3) the docket entries from the lower court; and (4) the trial court opinion, if available. You must also provide each appellee with one copy of the completed Docketing Statement.

Failure to file a timely completed Docketing Statement may result in dismissal of the appeal. See Pa.R.A.P. 3517, amended June 5, 2001, effective September 1, 2001.

Very truly yours,

Karen Reid Bramblett, Esq.
Prothonotary

/eas

Superior Court of Pennsylvania
Eastern District
530 Walnut Street
Philadelphia, PA 19106
215-560-5800
www.superior.court.state.pa.us

Karen Reid Bramblett, Esq.
Prothonotary
Charles E. O'Connor, Jr., Esq.
Deputy Prothonotary

November 28, 2007

Mrs. Eileen Chu Hing

P.O. Box 8433
Rocky Mount, NC 27804

RE: 3010 EDA 2007
Eileen Chu Hing, Appellant
V.
Glenn F. Hing

Dear Mrs. Hing:

Enclosed please find a copy of the docket for the above appeal that was recently filed in the Superior Court. Kindly review the information on this docket and notify this office in writing if you believe any corrections are required.

Appellant's counsel is also being sent a Docketing Statement, pursuant to Pa.R.A.P. 3517, for completion and filing. Please note that Superior Court Dockets are available on the Internet at the Web site address printed at the top of this page. Thank you.

Very truly yours,

Karen Reid Bramblett, Esq.
Prothonotary

EAS

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
FAMILY COURT DIVISION
DOMESTIC RELATIONS BRANCH

EILEEN CHU HING	SUPERIOR COURT DOCKET NOT YET ASSIGNED
VS	
GLENN F. HING	AUGUST TERM, 2004 NO. 8458 IN DIVORCE

Statement Of Matters
Complained Of On Appeal

1. This Statement of Matters Complained Of On Appeal is filed pursuant to the order of this Court dated November 21st, 2007, and Pa.R.A.P. 1925(b).

2. The matters complained of by appellant on appeal are as follows:

A. The Court committed an error of law in refusing to provide a fair trial and notice of trials for Eileen Chu Hing.

B. The Court committed an error of law in denying attorney's fees for Eileen Chu Hing.

C. The Court committed an error of law in denying alimony for Eileen Chu Hing.

D. The Court committed an error of law in refusing a continuance of the hearing on November 1st, 2007.

E. The Court committed an error of law in denying legal representation for Eileen Chu Hing on the hearing of November 1st, 2007.

F. The Court committed an error of law in refusing to permit evidence of discovery from Eileen Chu Hing.

G. The Court committed an error of law in refusing to allow participation of legal representation for Eileen Chu Hing in lower court hearings, including the Bifurcation Hearing.

H. The Court committed an error of law in penalizing Eileen Chu Hing for not filing joint tax returns.

I. The Court committed an error of law in granting the return of marital funds taken out prior to the separation date.

/s/ Eileen Chu Hing
Eileen Chu Hing
Pro Se
PO Box 8433
Rocky Mount, NC 27804

Dated: December 10, 2007

COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
FAMILY COURT DIVISION
DOMESTIC RELATIONS BRANCH

EILEEN CHU HING	:	SUPERIOR COURT DOCKET
	:	NOT YET ASSIGNED
vs.	:	
		AUGUST TERM,
GLENN F. HING	:	2004
		NO. 8458
	:	IN DIVORCE

ORDER

AND NOW, this 21st day of November, 2007, Appellant, Eileen Chu Hing, is hereby Directed to provide this Court with a Statement of Matters Complained of on Appeal, no later than Twenty-five (25) days from date hereof, pursuant to Pa.R.A.P. 1925(b).

BY THE COURT:
/s/ Robert J Matthews J
ROBERT J. MATTHEWS, J.

COPIES SENT
PURSUANT TO Pa.R.C.P.236(b)
NOV 21 2007
FIRST JUDICIAL DISTRICT OF PA
USE ID JE

App. C 112

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

EILEEN CHU HING	:	FAMILY COURT DIVISION
	:	DOMESTIC RELATIONS
vs.	:	
		AUG 2004
GLENN F. HING	:	
		NO. 8458
	:	

NOTICE OF APPEAL

Notice is hereby given that EILEEN CHU HING above named, hereby appeals to the Superior Court of Pennsylvania, from the ORDER entered in the above cause on the 1st of NOVEMBER 2007.

/s/ Eileen Chu Hing
Pro Se

PO BOX 8433
ROCKY MOUNT, NC 27804
215.385.0239

Pro Se
Eileen Chu Hing
PO Box 8433
Rocky Mount, NC 27804

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

EILEEN CHU HING
FAMILY COURT DIVISION

VS
No. 8458

GLENN F HING

NOTICE OF APPEAL

Notice is hereby given that Eileen Chu Hing, Petitioner, above named, hereby appeals to the Superior Court of Pennsylvania from the order entered in this matter on the 1st day of November 2007.

This order has been entered in the docket as evidenced by the attached copy of the docket entry. (S).

Date: November 14, 2007

/s/ Eileen Chu Hing
EILEEN CHU HING, PRO SE

NOTICE OF APPEAL AND ANNEXED CASE INFORMATION HAVE BEEN SERVED ON:

TRIAL COURT JUDGE - ROBERT J MATTHEWS

GLENN HING, ESQUIRE
XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXX

NED HARK, ESQUIRE
7716 CASTOR AVENUE
PHILADELPHIA, PA 19152

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. Sec.4904 relating to unsworn falsification to authorities.

Date: November 14, 2007

/s/ Eileen Chu Hing
EILEEN CHU HING, PRO SE

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY
FAMILY COURT DIVISION

EILEEN CHU HING		
PLAINTIFF		
VS.		CASE ID.
		D04088458
GLENN F. HING		
DEFENDANT		

ORDER

AND NOW, THIS 1ST DAY OF NOVEMBER, 2007, UPON CONSIDERATION OF THE MATTER BEFORE THIS COURT, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

THE RECONSIDERATION IS DENIED.
THE ORDER OF 5/17/07 TO STAND.

BY THE COURT:

/s/ Robert J Matthew J
HONORABLE ROBERT J MATTHEWS J.